

The General or Quarter Sessions of the Peace is a Court of Record held every Quarter of the Year in every County before two or more Justices (Quorum) for the Execution of the Authority Given them by Commission of the Peace and several Acts of Parliament —

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in the Year to wit In the

First week after

Michaelmas-Day
 Epiphany - 6th Jan^{ry}
 The Close of Easter -
 The Translation of Thomas
 a Becket - ~~in the month of July~~
 which was the seventh of July

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B. L. C.
K

Sir John Gonson's
Five CHARGES

TO SEVERAL
GRAND JURIES,

V I Z.

- I. To the GRAND JURY of the City and Liberty of *Westminster*, &c. at the General Quarter-Sessions of the Peace, held *April 24, 1728.*
- II. To the GRAND JURY of the said City and Liberty, at the General Quarter-Sessions of the Peace, held *July 11, 1728.*
- III. To the GRAND JURY of the *Royalty* of the *Tower of London*, and the Liberties and Precincts thereof, at the General Quarter-Sessions of the Peace, held for the said *Royalty*, *July 16, 1728.*
- IV. To the GRAND JURY of the City and Liberty of *Westminster*, &c. at the General Quarter-Sessions of the Peace, held *October 9, 1728.*
- V. To the GRAND JURY of the said City and Liberty, at the General Quarter-Sessions of the Peace, held *July 3, 1729.*

Printed at the Desire of the Justices of the Peace in both the said Commissions, and of the respective GRAND JURIES.

The THIRD EDITION.

L O N D O N:

Printed for W. MEADOWS at the *Angel* in *Cornhill*; and C. ACKERS in *Great-Swan-Alley*, *St. John's-Street*, 1730. [Price 2s. 6d.]

13

Two CHARGES

Sir John Gonslow

TO SEVERAL

GRAND JURIES

VIZ

I. To the Grand Jury of the City and Liberty of Westminster, &c. at the General Quarter-Sessions of the Peace, held April 22, 1728.

II. To the Grand Jury of the said City and Liberty, at the General Quarter-Sessions of the Peace, held July 11, 1728.

III. To the Grand Jury of the County of the Tower of London, and the Liberties and Precincts thereof, at the General Quarter-Sessions of the Peace, held for the said County, July 16, 1728.

IV. To the Grand Jury of the City and Liberty of Westminster, &c. at the General Quarter-Sessions of the Peace, held October 9, 1728.

V. To the Grand Jury of the said City and Liberty, at the General Quarter-Sessions of the Peace, held July 3, 1729.

Printed at the Office of the Stationer, in the Strand, in the City of London.

IN THE THIRD EDITION.

L O N D O N :

Printed for W. Meadows at the Apple in Cornhill, and C. Anderson in Great Street, at St. John's Church, 1729. [Price 1s. 6d.]



Robert

Terrill

T O

Sir John Gonson Knt.

O N

Reading his CHARGES to the
Grand Juries, &c.



OO long has Vice and all its filken
Joys

Employ'd the *Muse*; too long the

Muse has hung

Delight upon her *Syren* Charms, and sooth'd

The thoughtless Soul to Ruin: Virtue breaks

Th' enchanted Union, and dissolves the Spell;

A 2

Inspires

Inspires a nobler Strain, and sounds aloud
 The strongest Blast of Fame: To GONSON's
 Praise

The *Muse* attunes her Voice: Ye elder Bards!
 Ye lov'd Admirers of the beauteous *Maid*!
 Attend the pleasing Lay, and, to the Bound
 Of Earth and Time, join all to propagate
 The grateful Song: For lo! in Justice, Truth,
 In Virtue's Cause he pleads, fam'd G O N -
 S O N pleads

And all is silence round: A thousand Ears
 Are raptur'd while he talks, a thousand Eyes
 Are fast'ned on his Form; in ev'ry Heart
 Conviction reigns, and ev'ry Passion ebbs
 Before his Voice away: Of Reason, Pow'r,
 Of Liberty, of Government he speaks,
 And all he speaks is good. The Subject hears
 His Duty to his *Prince* explain'd, the Laws

That

(V)

That bind Society, and punish Crimes
With Death : Each vagrant Mind is gently warn'd
T' avoid the fatal Doom ; each Patriot's urg'd
To search out Guilt, and purge the Land of Vice.
Religion's Advocates with Joy attend
His Labours in her Cause, with gratitude
Confess his Precepts, and his Practice One.
So, should an Angel from the Skies descend,
They cry with transport ; so would he inspire
Celestial Truths, and with but equal Zeal,
With like Success reform Mankind. Around
Stern *CATO*'s Shade, *ARISTIDES*, and all
The Worthies of the antique World, glide soft,
And see, with Wonder, Virtue like their own
Inflame a Modern's Breast, and modern Minds
Delighted with his Lore : In Days to come
They whisper on the Breeze, in Days to come
Thy Fame, O *GONSON*! shall with ours
extend O'er

O'er all the habitable Globe, and last
 Till Nature sinks amid the gen'ral Blaze;
 With us thy Ghost shall take her glorious Seat,
 And deal out Laws thro' all the Vast of Heav'n;
 With us, conversing, thine Eternity
 Shall roll, with ours thy Name shall shine, above
 With ours thy Virtues be ador'd below.

J. Ralph.

THE
CHARGE
OF
Sir *John Gonson* Knt.
TO THE
GRAND JURY
OF THE
CITY and LIBERTY of
WESTMINSTER, &c.

At the General Quarter-Sessions of the
Peace, held the Twenty fourth Day
of *April*, 1728, in WESTMINSTER-
HALL.

*Printed at the Desire of the Justices of the Peace
for the said City and Liberty, and of the
Grand Jury.*

Printed by CHARLES ACKERS. MDCCXXVIII.

*Civitas, Burgus, & Villa Westm. in Com. Middx. } ff. Ad Generalem Quarterialem Sessionem Pacis Domini Regis tent' a-
 pud Westm. pro Libertat' Decani
 & Capituli Ecclesiæ Collegiat. beati
 Petri Westm. Civit', Burgi, & Villæ
 Westm. in Comit. Middx. &
 Sancti Martini le Grand, London'
 Die Mercur. scilicet vicesimo quar-
 to Die Aprilis, Anno Regni Do-
 mini Georgii Secundi, Dei Gratiâ,
 nunc Regis Magnæ Britanniae, &c.
 primo.*

HIS Majesty's Justices of the Peace for this City and Liberty of *Westminster*, now assembled at this General Quarter-Session of the Peace, held for the said City and Liberty, being of the Opinion that the Charge this Day given by Sir *John Gonson* the Chairman, (in the Absence of the Right Honourable *John Lord Delawar* the present Chairman of this Session) to the Grand Jury, sworn to enquire for our Sovereign Lord the King, for the Body of this City and Liberty; and to the High and Petty Constables of the same, is a *very Loyal, Learned, Ingenious, Excellent, and Useful Charge, highly tending to the Service of His Majesty, and His Administration and Government*: Have unanimously agreed and resolved, that the Thanks of this Court be, and the same are hereby given, to the said Sir *John Gonson* for his said Charge; and desire, that he will be pleased to cause the same to be Printed and Published, for the better Information of the Inhabitants and publick Officers of this City and Liberty, in the Performance of their respective Duties.

Per Curiam

MIDDLETON.



To the WORSHIPFUL

Sir John Gonson Knt.

CHAIRMAN of the Quarter-
Sessions, &c. held for the
City and Liberty of *West-*
minster, the Twenty fourth
Day of *April*, 1728.

WE the Grand Jury, sworn
to enquire for the Body of
the City and Liberty of West-
minster, having received a most
Learned and Excellent Charge,
from the Chair, given by your
Worship, Do hereby return you our
most sincere and humble Thanks
for the same ; and pray, that you
B will

*will be pleased, for the publick
Good, to cause the same to be
Printed.*

William Atkinson.

John Jones.

John Ismonger.

E. Salisbury.

William House.

Gray Sambach.

John Henshaw.

Stephen Sauge'.

John Clayton.

Thomas Turnor.

John Fergusson.

Richard Mitchell.

Philip Gardiner.

Jonathan Healey.

William Taylor.

Hem. Lockton.

John Leech.

Th. Cleaver.

John Andrews.

Jos. Morris.

Nathanael Lee.



T H E



THE
CHARGE

OF

Sir John Gonson Knt.

Gentlemen of the Grand Jury,



CIVIL Government was instituted for the Preservation and Advancement of Men's Civil Interests, and for the better Security of their Lives, Liberties, and Properties.

MEN soon became sensible of the Necessity of Civil Government for these

these Ends, from the Inconveniencies they suffer'd by a private Life, independent on each other: For in such a State, unless every Man would keep strictly to the Rules of Justice and Equity, which the Pravity of human Nature, and long Experience forbid us ever to hope for, the Weak would become a Prey to the Strong; every one would be at the Mercy of him, that was mightier than himself, and the World would be full of Fraud and Injustice, Cruelty and Oppression.

No sooner did Mankind begin to multiply, and to contract new Relations and new Duties, but their Interests interfered with one another, and gave Rise to those Wrongs and Injuries, which daily increas'd in the World, and quickly moved Men to enter into Societies, and form themselves into regular Governments, for the mutual Security and Defence of their Persons and Properties, both against Violence from Abroad, and Rapine and Fraud at Home.

For these Ends and Purposes Societies were at first erected, and grounded upon the mutual Compact and Agreement of those, who enter'd into them, to stand by, and assist each other, both against Foreign Violence, and Domestick Wrongs. To repel the first of these, there must be external Force and Strength, which consist in Arms, Riches, and Multitude of Hands; the Remedy of the other lies in wise and wholesom Laws, agreed upon by the Society; and the Care of both is, by common Consent, committed to the Civil Magistrate, who is moreover arm'd with the Force and Strength of all his Subjects, in order to put those Laws in Execution.

From this brief Account of the Nature and Design of Civil Government, it is obvious, That if ever the true Ends of Government are answered, it is under our most happy Constitution, which is a Mixt Limited Monarchy, where the Prerogatives of the Crown, and the Liberties of the People are so
inter-

interwoven, that the Rights reserved to the People tend to render the King honourable and great; and the Prerogatives of the Crown are in order to the Protection and Safety of the People. Every Subject of *Great-Britain* has a fix'd fundamental Right born with him, as to the Freedom of his Person, and Property in his Estate, which he can't be deprived of, but either by his own Consent, or for some Crime, for which the Law has imposed such a Penalty or Forfeiture. Our Liberties and Privileges are so great, that the Subjects in other Nations would think themselves Princes, if they might enjoy them; and are such, as the greatest Princes in Foreign Parts, who are not absolute and independent Sovereigns, can scarcely pretend to be Possessors of. In a Word, We enjoy Privileges unknown to the ancient *Greeks* or *Romans*, and are the Noblest, I may say almost, the only Remains of the *Ancient Northern Liberty*.

A N D

AND next to that of having a Share in the Legislature, it is one of the most valuable Parts of our Constitution, that no Man can be convicted, or attainted of any Crime, before two Juries pass upon him, of at least Twenty four Persons; the one a Grand Jury, to present the Offence for Tryal; and the other a Petit Jury, to try the Truth of that Presentment: The Grand Jury coming from all Parts of the County, City, or Liberty, for which they serve, and the other, *viz.* the Petit Jury, from the very Neighbourhood where the Offence was committed; who, according to the Evidence given them, determine thereupon, and bring in their Verdict. And that the Evidence may be the clearer, and the better to be depended upon, written Depositions are not admitted, but upon mere Necessity: The Witnesses being to appear personally, and to be examined *Viva Voce*; a Method of Coming at the Truth, peculiar to this Nation, no other

other having, or practising the like. For look abroad into Foreign Countries, almost where you will, you'll find the Subjects under such Laws, as render their Lives, Liberties, and Estates precarious, and liable to be dispos'd of at the Discretion of Strangers appointed to be their Judges, generally mercenary, and Creatures of the Prerogative; sometimes Malicious and Oppressive, and too often Partial and Corrupt: Or suppose them ever so Just and Upright, yet still has the Subject no Security against Subornations, and the Attacks of false and malicious Witnesses: And often, when there is no sufficient Evidence, upon Suspicion only, they are obnoxious to the Tortures of the Rack, which may make an innocent Man confess himself guilty, merely to get out of present Pain; and then, with seeming Justice, he is executed. Or if he doth with invincible Courage endure the Question (as they call those Torments) yet he comes off with dis-

disjointed Bones, and such Weakness, as renders his Life a Burthen to him ever after.

DESERVEDLY therefore is this Tryal by Juries a Part of the Great Charter, and ever rank'd amongst the choicest of our Fundamental Laws, which who-soever shall go about to suppress, or craftily undermine, by Overawing or Corrupting Juries, and thereby Rendering them only a Formality, breaks asunder the Fences of our Government, and is an Enemy to his King and Country; for which Reason, our Parliaments have always been most zealous for preserving this Great Jewel of *Liberty*, no one Privilege besides having been so often remembred there. One Instance thereof (amongst many others) was the Case of the Lord Chief Justice KEYLING, who usurping an Arbitrary Power over a Grand Jury of *Somersetshire*, by Commanding them to find a Bill of Indictment for Murder, for which they saw no Evidence; and upon their Refusal, he threatned and fined

C

them:

them: But upon the Complaint of Sir HUGH WINDHAM, their Foreman, to the Parliament (tho' a Parliament in the Reign of King CHARLES the Second, and much attached to the Court) yet even they could not bear such a bold Invasion of *English* Liberty; The Commons brought that Chief Justice to their Bar, and there made him acknowledge his Faults.

*Journals of
the House of
Commons,
11 & 13
of Decemb.
1667.*

WHEN the one and the other Jury act as they ought, with Courage, Diligence, and Impartiality, we shall have just Reason, with the wise Lord Chancellor FORTESCUE, to celebrate that Law that instituted them, and to congratulate with our Countrymen the Happiness we enjoy, since the meanest amongst us is protected by the Laws of his Country in as secure a Manner as the greatest.

*Fort. de
Laud. Leg.
Ang. Cap.
26.*

AND what compleats our Happiness is, that we may now take the most delightful View of our Excellent Constitution

stitution and Laws; not as in former Reigns, struggling with Arbitrary Power and Tyranny, but as most safe and secure, under the best of Princes, his *Sacred Majesty*, our most Gracious Sovereign; whose Nature, Inclination, and Religion, all conspire to make him truly the Father of his People, delighting in their Happiness as in his own, and who makes the Laws of the Land the Rule of his Government. With such a King we are blest in a Queen, the Delight of the Nation, and the Glory of her Sex; whose known Piety is made still more exemplary by being joined with a fine Understanding, cultivated by the Study of the *Belles Lettres*, and improved with all useful Knowledge: We have also a numerous Royal Issue, to be form'd for the Support of our Religion and Liberties by these bright Examples; so that all the inestimable Blessings, which we enjoy under his Majesty's Reign, are likely to be entail'd down to future Ages, under a lasting Succession of

Protestant Princes. And may there never want one of this Royal Progeny to Rule over these Nations, 'till Time shall be no more.

GENTLEMEN,

IT is for the Preservation and Support of this our excellent Government, by the due Execution of the Laws, that we are now met together: And tho' the Court doth not doubt of your Ability to perform your Duty as *Grand Jury Men*; yet being sworn (amongst other Things) to enquire of such Matters, as shall be given you in Charge, it has always been the Custom, and therefore now proper to inform you, what Crimes and Offences you ought to enquire of, which otherwise perhaps might not occur to your Memory.

IN the first Place, I shall recommend to your Enquiry all such Offences, that concern Almighty GOD, and
his

his Holy Religion established amongst us.

IT is for the Honour and Interest of every Government, that all Vice, Immorality and Profaneness should be suppress'd, because they are prejudicial to it; and the contrary Virtues tend to the Good and Welfare of Society. All Manner of Wickedness, even in those Instances, where it doth not directly injure any private Person, nor disturb the publick Peace, has an ill Influence upon Society, tends to make Men bad Subjects, and worse Neighbours, and indisposes them for the due Discharge of the Relative Duties of Life. And it has been observed, that a Contempt of GOD, and a Neglect of Religious Duties, is generally the Inlet to, and Forerunner of almost all Manner of Wickedness.

I exhort you therefore to present all, that shall Blaspheme, Vilify, and Ridicule the Name, Nature, and Attributes of GOD, and all other Offences against

9 & 10 W. III.
C. 32.

against the Act of the Ninth
Year of King WILLIAM
the Third, *For the more effectual Suppres-
sing of Blasphemy and Profaneness.*

YOU are also to take Notice of all
other Offences mentioned in his Ma-
jesty's Royal Proclamation just now
read to you: Particularly all profane
Swearing and Cursing, Drunkenness,
and Breach of the *Sabbath*.

THE horrid Oaths and Curses, that
abound in our Streets, are very shock-
ing to Religious Foreigners, who come
here; no such publick Profanation of
GOD's holy Name being known
abroad, even in Popish Countries.
Besides, the Offending GOD, the In-
juring our Souls, and Affronting sincere
Christians (in an Age, which pretends
to good Breeding) by Treating that
GOD with Indignity, whom they wor-
ship and adore, are Things of such a
Nature, which are worthy of our No-
tice. The common Practice of pro-
fane

fane Curſing and Swearing is exceedingly injurious to civil Society; for whilſt Oaths are reckoned the greateſt Securities of Government, if they are once render'd ſlight and common, it will by Degrees leſſen Men's Awe and Regard for them on more ſolemn and neceſſary Occaſions; and when all Regard for the Obligation of Oaths is loſt, there is an End of our Courts of Juſtice. We have no other Way to judge of Right or Wrong, Truth or Falſhood, nor any Security left for our Lives and Properties, when the Reverence for this ſolemn Appeal to the All-ſeeing GOD is once extinguish'd in our Minds. So that upon Civil, as well as Religious Conſiderations, you ought to ſet your Faces againſt this Sin, and preſent all Conſtables, negligent or remiſs in this Part of their Duty, in Taking up and Giving Information againſt common Swearers.

DRUNKENNESS is not only a Tranſgreſſion of the Laws of GOD, and the
 Law

Law of the Land, but a Violation of the Law of our Nature: It deprives Men of their Reason, and levels them with the Beasts. Presentment and Indictment in Sessions is one Method appointed by the Statute of the Fourth of King JAMES the First for the Punishment of Drunkenness.

*4 Jac. I.
c. 5.*

It has been the Honour of our Government, that the Observation of the LORD's Day has been more strictly enjoyn'd by our Laws, than in any other Nation whatsoever; and it is Pity, that such excellent Laws have not been better executed.

THE Statute of the Twentieth of King CHARLES the Second, for the better Observation of the LORD's Day, requires all Persons to exercise themselves thereon in the Duties of Piety and true Religion, publickly and privately, and prohibits all bodily Labour, and worldly Business. And since this Law forbids Carriers and Waggoners to travel upon their honest and

*29 Car. II.
c. 7.*

and necessary Business on this Day, it surely cannot be supposed to allow any in the Profanation of it by Races, which some Persons have presumed to appoint to be run on Sundays. But his Majesty has thought fit to discourage such Practices, and commanded the Justices of the Peace of this City and Liberty, strictly to put in Execution all the Laws

against the Profanation of the LORD's Day, and to the utmost of their Power to discourage and punish any Breach of the Laws in this Behalf. His Majesty's Pleasure herein having lately been signified by a Letter from the Right Honourable the Lord Viscount TOWNSHEND, one of his Principal Secretaries of State, his Lordship's Letter shall be presently read in Court.

SINCE therefore his Majesty's pious Care for the Good of his People is so great, 'tis hop'd that so illustrious an Example will inspire you with a Zeal

D

to

Car. I.

C. 1.

3 Car. I.

C. 2.

to do your Duty, by Presenting all that shall make Default in coming to Church, or some Religious Meeting, tolerated and allowed by Law, every Sunday: And all that shall spend their Time on that Day in any Sports or Games whatsoever, especially Gaming Assemblies.

THE devout Observation of the LORD's Day has hitherto, and ever will be, the most probable Means of Preserving a Sense of, and Keeping up a visible Face of Religion in the World; which (should these Races and other Diversions on this Day prevail) would soon be lost among us.

ENQUIRE of all Perjury in Oaths judicially taken; all Subornation of Perjury and Forgery: And also of all Books and Pamphlets wrote against Religion, or the Sacred Scriptures; or that are *Contra bonos Mores*.

THERE are such Books published, daily sold in Shops, and advertised in the

1 Eliz. C. 2.

23 Eliz. C. 1.

3 Jac. I. C. 4.

1 W. & M.

Seff. 1. C. 18.

5 Eliz. C. 9.

the Publick News-Papers, that ought rather to pass the Fire than the Press; and are a Scandal to any Christian Country. If you can't find out these detestable Authors, Present the Printers and Publisers.

ALL these in their Nature seem to be more immediate Offences against the Divine Majesty.

AFTER the Duty, that we owe to Almighty G O D, with which nothing ought to come in Competition, the next Duty, that we owe, is to our King and Country; and for the Preservation of these, I must recommend to you to enquire into all Treasons.

IT is High Treason, To ^{25 Ed. III.} C. 2. compass or imagine the Death of the King, or Queen, or the Death of their Eldest Son and Heir, and to declare the same by some Overt-Act.

IT is also High Treason, to levy War against the King; adhere to his Enemies; or to give them Aid or Comfort, in the Realm or elsewhere.

To Counterfeit his Great or Privy Seal; to Counterfeit his Coin, or Bring false into the Realm; to Kill the Lord Chancellor, Lord Treasurer, Justices in Eyre, of Assize, and Justices of Oyer and Terminer, being in their Places doing their Offices.

THERE are some other Species of High Treason, which because you'll have no Occasion to enquire into, I need not trouble you with the Particulars. I shall only put you in Mind of that

Excellent Statute of the Sixth
 6 *Annæ* C. 7. of the late Queen ANNE, whereby it is made High Treason to maintain by Writing, or Printing, that the Kings and Queens of this Realm, by the Authority of Parliament, are not able to make Laws of sufficient Force to bind and limit the Descent of the Crown; or that the Pretender hath Right to the Crown; or that any other Person hath Right to the same, otherwise than according to the Acts of Settlement. And if the Offender maintains the same by Words only, it is a Premunire.

AND

AND here, GENTLEMEN, I would observe to you, that by a former Act of Parliament, made in the thirteenth Year of the Reign of Queen ELIZABETH, to assert and maintain, that the Queen and Parliament could not bind or limit the Descent of the Crown, was made High Treason during that Queen's Life. By this Law it appears, that the Patriarchal Scheme, and the Doctrines of indefeisible, unalienable Hereditary Right are of mere modern Invention, and were neither known, nor believed by our Parliaments or Clergy in the Glorious Reign of Queen ELIZABETH. So that you see, the Title of his present Majesty King GEORGE is unquestionable, and most agreeable to our Ancient Constitution and Laws.

13 Eliz. C. 1.
Rast. 27.
3 Inst. 6, 10,
12, 14.
Coke's Instit.
4. Part. 36.

YOU are also to enquire of Misprision of Treason; which is barely a Concealing it, without Evidencing a Consent to it, for that is High Treason: By the Statute of the Fourteenth of Queen ELIZABETH, it is

14 Eliz. C. 7.

Mis-

Misprision of Treason to Counterfeit any Foreign Coin not current here.

YOU are to present all Treasonable and Seditious Words, and Speeches, reflecting on his Majesty's Sacred Person and Government, for they are indictable at common Law.

THE third and last Sort of Offences, that I shall recommend to your Enquiry, are those that concern your Fellow Subjects. Of these some are Capital, and some are not Capital.

OF the Capital, you are to present Petty Treason, which is an inferior Degree of Treason, and is committed against a Subject, between ^{25 E. III. C. 2.} whom and the Offender the Law presumes there is a special Obedience and Subjection due: It is Petty Treason therefore, for a Servant to Kill his Master, or Mistress, or Master's Wife, or a Wife her Husband, or an Ecclesiastical Man his Prélate.

YOU are to enquire of Burglary, which is a Breaking and Entering into a House by Night, with an Intent to commit

mit some Felony, whether the felonious Intent be executed or not. By the Statute of the Eighteenth of Queen ELIZABETH, Clergy is taken away in all Burglaries. 18 Eliz. C. 7.

YOU are to present all Sorts of Felonies; as Murders, Robbery on the Highway, Picking of Pockets, &c. But these common Thefts are so well known to you, that I shall not suspect your Knowledge and Understanding so much, as to think you stand in need of any Detail of them, or that I should define them to you.

OF Offences not Capital there are very great Numbers: I shall only mention some, that are most recent among us, and therefore like to fall under your Cognizance and Enquiry.

YOU are to present Petty Larceny; all Buyers and Receivers of Stolen Goods, knowing them to be so; all forcible Entries, and Detainers of Lands and Tenements by Force. All Riots, Routs, and unlawful Assemblies. Affrays, Assaults,

5 R. H. C. 7.
8 H. VI. C. 9.
31 Eliz. C.
11.
21 Jac. I.
C. 15.
34 Edw. III.
C. 1.

Bat-

¹⁷ *Rich. II.* Batteries; and in general, all
^{C. 8.}
¹³ *Hen. IV.* Breaches of the Peace; all
^{C. 7.}
¹⁹ *Hen. VII.* that buy or sell by false
^{C. 13.}
¹¹ *Hen. VII.* Weights or Measures; all
^{C. 4.}
²² *Car. II.* that deceitfully get into their
^{C. 8.}
³³ *Hen. VIII.* Hands other Men's Goods by
^{C. 1.} false Tokens, Pretences, or
^{5 & 6} *Edw.* Counterfeit Letters; all Fore-
^{VI. C. 14.}
¹⁷ *Edw. III.* stallers, Regrators, and In-
^{C. 3.}
⁵¹ *Hen. III.* grossers of Corn and other
^{Stat. 6. An.} Victuals; all that shall sell
^{Dom. 1266.} corrupt and unwholesom
¹ *Edw. III.* Victuals; all common Barre-
^{C. 14.}
²⁰ *Edw. III.* tors, and Stirrers up of Suits
^{C. 4.} and Quarrels, either in Courts
^{1 R. II. C. 4.} of Justice, or in the Country among
the King's Subjects, who otherwise would
be in Peace. By presenting some Bar-
retors, you'll vindicate the Honour of
our Laws, by Turning the Edge of
them, and the Eyes of your Country
upon such Men, who so much a-
buse the one, and are a Nufance to
the other. That great Man, the Lord
Chief Justice HALE, us'd to say, that
it was of more Service to the Publick,

to convict one common Barretor, than ten Highwaymen. Present also all Keepers and Maintainers of common Gaming-Houses, which are indictable as Nuisances at common Law, as well as punishable by the Statute of the Thirty third of King HENRY the Eighth.

*33 Hen. VIII.
C. 7.*

PRESENT likewise all Common Gamesters, who draw in and ruin young Gentlemen of Estates, and others.

ENQUIRE of all Bribery and Extortion in any Officers or Ministers of Justice, in Taking Money where none is due, or more than is due, or before it is due; and particularly of the Extortion of Goalers.

*12 Rich. II.
C. 2.
4 Hen. IV.
C. 5.
5 & 6 Edw.
VI. C. 16.
3 Ed. I. C. 26.*

PRESENT all Bawdy-Houses, and Disorderly Houses; under which Denomination you ought to reckon those many Houses and Shops, where such Numbers of the lower Sort of People get drunk with *Geneva*, and other spirituous Liquors; a growing Evil, of more mischievous Consequences to the Publick, than can well be exprest.

E

AND

AND because our Excellent Laws are often render'd useleſs, through the Remiſneſs and Neglect of the inferior Officers, who are to execute them ;

ENQUIRE, if any Conſtables omit to make Preſentments of any publick and notorious Offences in their reſpective Pariſhes or Wards ; if they reſuſe or neglect to execute Warrants delivered to them ; if they neglect Watch and Ward ; or the Suppreſſing of Vagrants ; or if they wilfully neglect or omit any other Part of their Duty.

PRESENT all Tradeſmen,
2 & 3 Edw. VI. C. 15. Workmen, and Artificers,
 that conſpire together not to ſell their Goods, or to work, but at certain Rates and Prizes ; and all ſuch as exerciſe Mechanical Trades, to which they have not been Apprentices ſeven
5 Eliz. C. 4. Years, according to the Act of the Fifth of Queen ELIZABETH.

PRESENT all that ſhall contract with Artificers to go out of the Kingdom, contrary to an Act of the
1 Geo. I. Firſt of the late King GEORGE.

YOU

Y o u are to enquire of all Highways, and Bridges out of Repair, and who ought to repair them ; of all Cheats, and of all publick Nufances : And here I hope you will not forget the very bad Condition of the Streets, and Pavements in many Parts of this City and Liberty, which gives great Offence to every Body, and is detrimental to the Health of the People ; and is occasion'd chiefly thro' the Nèglects of the Scavengers and Rakers, and partly by the Remifness and Carelefness of the Servants and Agents of feveral Companies of Water-Works, who, when they have broken up the Ground, to put in or mend their Pipes, lay down the Pavements again in thofe Places in a very loose, irregular, and unworkman-like Manner.

T H E S E, G E N T L E M E N, are all Matters very proper for your Enquiry, and the Court doth not doubt of your Care therein : But there is one Thing more, which I muft at this Time particularly recommend to you, and that is, to

present the Authors, Printers, and Publishers of all Libels.

IT is a shame to our Nation, that there should be any Persons belonging to it so little sensible of the Happiness which we enjoy, as to libel and disturb such a King, and such an Administration; yet this Offence is now grown so common, that if a Man goes into a Coffee-House, it is uncertain whether he lays his Hands upon a News-Paper, or a Libel.

I would not have any imagine, that there must be exprefs Words of Scandal, and Persons Names at length, to make a Libeller criminal: If our Laws require this, they are very weak; and it would be strange, that all Mankind must understand a Libeller's Meaning, except the Court and the Jury, who are to try him.

INDIRECT or Oblique Scandal hath in all Times (especially since the Abolition of the Court of Star-Chamber) been prosecuted, and the Offenders convicted and punished in the ordinary Courts of Justice;

16 Car. I.
C. 10.

stice ; and if it were otherwise, the subtle or cunning Contrivance, which aggravates the Crime, would prevent the Punishment. And therefore it is, that Ironical Scandal, nay, even Dumb Scandal (Scandal by Pictures or by Signs) as is mentioned in the Case *de Libellis famosis*, in my Lord Coke's 5th Report. COKE's fifth Report, is indictable in this Court. The only Caution necessary in these Cases is, that the Interpretation be not forc'd nor strain'd.

I shall conclude with putting you in Mind of that Part of your Oath, which obliges you to Present all such Matters and Things, as come to your Knowledge, touching this present Service, as well as such Offences, that shall be given you in Charge. You are, or ought to be, summoned from the several Quarters of this populous City and Liberty, to the Intent that no Offences in your respective Parishes, or Streets, or probably throughout the whole Liberty, may escape the Knowledge of one or other of you. In Finding only such Bills, that
are

are brought before you by private Prosecutors, you'll do but one Part of your Duty, which a Jury return'd out of one Parish or Street might do as well. But if you'll have a due Regard to your Oaths, you must present all notorious and publick Offences in your respective Neighbourhoods; which, if Grand Juries would every where do, would tend much to reform the vicious Part of Mankind.

GENTLEMEN,

YOUR Office is as Ancient as our Laws, and (as you have heard) the great Bulwark of our Liberties. And it is with Pleasure, that I see this great and important Trust now reposed in Persons of your Credit and Reputation, Knowledge and Experience; who, I doubt not, will perform every Part of your Duty, and acquit your selves like such, as have a strict Regard to Justice, and the Proceedings and Authority of this Court.

T H E

T H E
Second CHARGE

O F

Sir *John Gonson* Knt.

T O T H E

GRAND JURY

O F T H E

CITY and LIBERTY of
WESTMINSTER, &c.

At the General Quarter-Sessions of the
Peace held the eleventh Day of *July*,
1728, at the *Town Court-House* ad-
joining to *Westminster-Hall*.

*Printed at the Desire of the Justices of the Peace
for the said City and Liberty, and of the
Grand Jury.*

Printed by CHARLES ACKERS. MDCCXXVIII,

*Civitas, Burgus, & Villa Westm. in Com. Middx. ff. Ad Generalem Quarterialem Sessionem Pacis Domini Regis tent' a-
 pud Westm. pro Libertat' Decani & Capituli Ecclesie Collegiat. beati Petri Westm. Civit', Burgi, & Villæ Westm. in Comitatu Middx. & Sancti Martini le Grand, London' die Jovis scilicet undecimo die Julii, Anno Regni Domini Georgii Secundi, Dei Gratiâ nunc Regis Magnæ Britanniae, &c. secundo.*

FOrasmuch as the Charge this Day given by Sir *John Gonson* Knight, Chairman of this Court (in the Absence of the Right Honourable *John Lord Delawar* the present Chairman) to the Grand Jury, and Jury of Constables, assembled and sworn at this present Sessions of the Peace held for this City and Liberty, is a Religious, Loyal, and Elegant Charge, tending to promote the Practice of Virtue and Religion, and also fully demonstrating the Happiness of our Constitution and Government, under the auspicious and glorious Reign of his present Majesty, and his wise Administration: It is unanimously Agreed, and Ordered by this Court, That the Thanks of this Court be, and the same are hereby given to the said Sir *John Gonson* for his said Charge; and this Court doth desire, that he will be pleased to cause the same to be Printed and Published.

Per Curiam

MIDDLETON.



To the W O R S H I P F U L

Sir John Gonson Kn^t.

CHAIRMAN of the Quarter-Sessions, &c. held for the City and Liberty of *Westminster*, the eleventh Day of July, 1728.

WE the Grand Jury, sworn to enquire for the Body of the City and Liberty of Westminster, having received a most Excellent, Learned, and Loyal Charge, from the Chair, given by your *Worship*, Do hereby return you our most hearty Thanks for the same; and pray, that you will be pleased, for the Publick Good, to cause the same

F to

to be Printed, to remain to Posterity, &c.

James Webb.

Edm. Purser.
Tho. Mitchell.
John Richards.
Jof. Pagett.
Charles Steward.
Tho. Farraine.
John Parker.
Tho. Stocken.
John Gouleton.

Tho. Fayram.
Wm. Holmes.
Sam. Mallings.
Peter Wood.
Tho. Baker.
John Chaworth.
Sam. Vale.
Tho. Hamley.



T H E



T H E
Second C H A R G E

O F

Sir John Gonson Knt.

Gentlemen of the Grand Jury,



S the principal End of Civil Government and Human Laws is to secure Property, to oblige Men, out of Fear of Penalties, to live honest-

ly and justly, and that each Individual may be defended against Injury and Wrong; so where the Fundamental Laws and Constitutions of any Government have been wisely adapted to these

F 2

Ends,

Ends, such Countries and Kingdoms have increas'd in Virtue, Power, Wealth, and Happiness.

*Oratio pro
Publico Sex-
tio.*

TULLY, who takes it from ARISTOTLE, tells us, That the ultimate End of Government, and the Mark, that all Rulers ought to aim at, is to acquire Peace with Reputation.

TOWARDS attaining this End, he mentions the several Particulars, which it requires the greatest Application and Vigilance of good Governours to promote and maintain; and the chief Branches, as he enumerates them, are, Religion; the just and legal Powers and Rights of the Legislature; and of the Magistrates subordinate to that; a due Administration of Justice; the Publick Treasure and Credit; and concludes with *Laus Publica*; which indeed is the Result of a good Administration of the several Branches mentioned. For Praise, both at Home and Abroad, will always attend good Management.

IT

It is apparent to any one, that will but reflect upon all these Particulars, That in no Age hath there ever been in this Nation, or any other, a more univerfally Glorious Adminiftration, than we now enjoy under his Sacred Majesty King G E O R G E the Second.

To begin with Religion. The *Church of England* by Law establish'd is in no Danger, but in a moft safe and flourishing Condition; all her Immunities, Rights, and Privileges are secur'd to her by the ftrongeft Laws; and at the fame Time the *Protestant Dif-senters* are eafy and happy under the Act of *Toleration*. And, as his Majesty was pleas'd to take Notice in his Speech to the laft Parliament, " Such mutual
 " Forbearance is diffused
 " throughout the Kingdom,
 " that the *National Church* repines not
 " at the Indulgence given to fcrupulous Confcien-
 " ces; and thofe that
 " receive

*His Majesty's
 Speech to both
 Houses of Par-
 liament, July
 17, 1727.*

“ receive the Benefit of the *Toleration*,
 “ envy not the *Establiſh’d Church* the
 “ Rights and Privileges, which they by
 “ Law enjoy.”

It was quite otherwise in former Reigns, when Popery and Tyranny had almost prevailed to the Ruin of our Church and State. The Protestants of these Kingdoms, by the Artifices of Papists, and the Tools of Arbitrary Power, were miserably divided and set against each other, that by such Divisions, Popery and Tyranny might more easily be establish’d among us. But such have been the good Effects, of the *Act of Toleration*, as to unite his Majesty’s Protestant Subjects, in Interest and Affection; many of the Dissenters are become sincere Converts to our Church, and their Prejudices wear off: The Members of our Church, and the Dissenters, notwithstanding their lesser Differences, now generally behave themselves towards each other, as becomes Fellow Subjects and Fellow Christians,

ftians, as Children of the fame heavenly Father, and Heirs of the fame Promises; agreeable to the Advice of our present most pious and excellent Metropolitan, in his admirable * Sermon and Exhortation for Mutual Charity and Union among Protestants; preached before King WILLIAM and Queen MARY, at *Hampton-Court, May 21, 1689.*

THE great Learning, Piety, truly Christian Moderation, extensive Zeal, and Christian Charity of those most Reverend Prelates, who now adorn the Mitre, will, in all human probability, raise the Lustre and Reputation of the Church of *England* to such a Degree, that as the Steadiness of his Majesty's Counsels, and the Wisdom of his Administration justly entitles our Nation at present to hold the first Rank, so shall our Church be look'd upon as the Mother of all the Reform'd Churches

* *Sermons and Discourses on several Occasions, by the Most Reverend Father in GOD, WILLIAM, Lord Arch-Bishop of Canterbury. The Second Edition. 1716. Page 192, 193.*

in *Europe*, and will become a Praise in the whole Earth; our learned Divines, for their excellent Writings and virtuous Lives, being famous Abroad, and highly esteem'd even at *Geneva*.

As to the just Rights and Powers of the Legislature, no Prince ever had a more tender Concern for them than his present Majesty. The true Interest of the Nation is steddily pursued, and the great Fences and Boundaries of our Religion and Liberties inviolably maintained, and all farther Securities, for the Preservation and Advancement of both, are chearfully granted.

PUBLICK Justice is duly and impartially Administer'd. In the chief Court of Equity presides a noble Lord, justly esteem'd by all for his great Learning, Probity, and admirable Temper; and in the other Courts of Justice there are such excellent and learned Judges on the Bench, that have been the Ornaments of the Bar, not the Blemishes of it, as a great Man truly said of Judges in former Reigns, some

Algernoon
Sidney Esq;

some of whom had wickedly given up the Constitution, by allowing the King a Power to dispense with the Laws; and tho' the Mildness of King WILLIAM and Queen MARY'S Government was such, that King JAMES the Second's Dispensing Judges and Lawyers suffer'd no other Punishment, yet they are branded by Act 2 W. & M. Seff. 1. C. 10. of Parliament, and their Names left on Record to Posterity, as Betrayers of the Rights and Liberties of the People.

As to the Treasure and publick Credit of the Nation, Was it ever rais'd to such a Height before, as it is now? Or the Purse ever in better Hands? Such a Confidence the People have in the publick Management, and are so well satisfied, that what we pay is punctually apply'd to the Service to which it is appropriated, and the whole manag'd with such exquisite Conduct and Frugality, by those honourable Persons who preside over the Treasury, that never were Taxes more freely complied with, nor

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such

such large Sums rais'd so speedily, and at so low an Interest.

AND what crowns all our Happiness is, that we have a King upon the Throne, who is possess'd of all the Royal and Human Virtues that can endear a Prince to any People; and what adds to the Glory of his Majesty's Government, is, that he scorns to be the Head of a Party, and King only of one Part of his People; but extends the Blessings of his Reign to all his Subjects without Distinction: He has no other Views but to make them all easy and happy, to unite their Hearts and Interests, and render them as well affected to one another, as all ought to be to him. And with such a King, we have a Queen renown'd over all the World for her Virtue and Goodness, and for that sacred Regard to the true Protestant Religion, which will make her History the Delight of good Men in Ages to come. We are also blest with a numerous and hopeful Progeny, sprung from these great Parents, educated by their Royal Cares, and form'd
by

by their Examples, and who cannot fail of perpetuating to these Nations the Felicity, which we enjoy under their most Excellent Majesties. In a Word, we have such a Scene of Good at present, as few Nations have ever enjoyed, and such a Prospect of Good to come, as calls the Blessings of future Times into our own, and adds to the Happiness of this Age, a Taste of the Happiness of their Posterity.

GENTLEMEN,

FOR preserving the publick Peace, and restraining the Lusts, unruly Passions, Frauds, and Violences of Men, our Laws have several Ways wisely provided Remedies, and constituted many Courts of Judicature: Amongst which I may reckon one of the Chiefest to be this Court of Quarter-Sessions, which is held four Times in a Year in every County; and also many Cities, Corporations, and Liberties have their Quarter-Sessions, and their Grand and Petty Juries; and these being drawn by our excellent Constituti-

on from the several Parts of each County, City, and Liberty, there can be no notorious Breach of the Law, morally speaking, committed within this Kingdom, that can escape their Knowledge. This is a Court so honourable, that it receives its Authority by a special Commission from his Majesty; in which the greatest Subjects of *Great-Britain* think it an additional Dignity and Privilege to have their Names inserted; and several Noblemen of illustrious Extraction, magnificent Titles, and splendid Fortunes, have lately qualified themselves to act as Justices of the Peace for this City and Liberty; whose hereditary Candor and Generosity, inherent in noble Blood, inseparable from the Birth and Education of Peers, renders them eminently qualified for the Administration of publick Justice, and must needs give great Satisfaction to the People to think, that their Causes are to come before, and their Differences to be determined by such noble Judges, who are neither to be sway'd by Hopes, over-ruled by Fears,

nor

nor misled by any false Prejudice or Passion, but will decide every Cause with the strictest Impartiality, Equity, and Honour.

AND as our Office is honourable, so it is likewise very Ancient; for, besides the Reason, which we have to believe that this, or something very like it, was contemporary with the Original of our own, and other of the *Gothic* Governments in *Europe*, our *Chronicles* inform us, that WILLIAM

Hollinghead.
Baker.

the First, commonly call'd the *Conqueror*, about the fourth Year of his Reign, which is six hundred and sixty Years ago, appointed Justices of the Peace; tho' the first particular Statute, which we meet with concerning them, is in the first Year of the

Reign of King EDWARD the Third. How generally useful and serviceable to the Country, this our Authority has been found to be, needs no other Proof, than the considerable Enlargement it hath since that Time received in almost every Reign.

WHEREAS

TO WHEREAS the High Commission Court, the Star-Chamber, and the Court of Wards and Liveries, and several other Courts having exceeded their Jurisdictions, and being found to deviate from their original Institutions, and instead of giving Ease, Relief, and Security, to become Burthensome and Oppressive to the Subjects, have been suppressed by Authority of Parliament. But the Wisdom of the Legislature, instead of vacating our Power, hath in many Particulars extended the Limits of it; for they could not but be sensible of the vast Advantages that every Man receives by so frequent, and so regular, so cheap, and so easy an Administration of Justice.

THE Oath, that you have taken to present all such Matters and Things that shall be given you in Charge, seems to imply an Obligation on me, to acquaint you with those Crimes and Offences, that the Commission of the Peace, and divers Statutes appoint to be either enquired of or punished in this Court, at
least,

least, with such of them as are most likely to fall under your Cognizance and Enquiry. And these Articles of your Charge, for Method sake, are usually divided into three general Heads.

I. SUCH Offences as concern Almighty **G O D**, and his holy Religion established amongst us.

II. THE King. And,

III. O U R Neighbours, or Fellow Subjects.

As to the First of these. Tho' Religion hath a much higher and nobler End, yet it is so very necessary for the Support of human Societies, that it is impossible, they can subsist without acknowledging some invisible Power, that concerns himself with human Affairs, and will punish the Immoral and Vicious, and reward the Good and Virtuous in another Life. And the Awe and Reverence of this divine Being makes

makes Men more effectually observe those Duties, in which their mutual Happiness consists, than all the Punishments of the Magistrate. If it's reasonable for the Magistrate to punish one, who does any Injury to a single Person, he ought certainly to punish him who injures the whole Society, by openly denying the Being of a G O D, or that he governs the World, or presides over human Affairs; such a one may justly be esteemed an Enemy to the whole Race of Mankind, as subverting that Foundation on which their Preservation and Happiness is chiefly built.

To punish such bold and impious Offenders as these, an Act of Parliament was made in the ninth

9 & 10 W. III.
C. 32.

Year of the Reign of King WILLIAM the Third, whereby it is enacted, That if any Person, having been educated in, or at any Time having made Profession of the *Christian* Religion within this Realm, shall by Writing, Printing, Teaching or
advised

advised Speaking, deny any one of the Persons in the Holy Trinity to be GOD, or shall assert and maintain, that there are more Gods than one, or shall deny the *Christian* Religion to be true, or the Holy Scriptures of the *Old* and *New Testament* to be of divine Authority; being lawfully convicted by the Oaths of two credible Witnesses, shall for the first Offence be adjudged incapable and disabled in Law to all Intents and Purposes, to have, hold, and enjoy any Office or Employment, Ecclesiastical, Civil, or Military whatsoever; and if at the Time of Conviction he is possess'd of any Office, &c. such Office, Place, or Employment shall be void: For the second Offence, he shall be disabled to Sue, Prosecute, Plead, or Use any Action, or Information, in any Court of Law or Equity; or to be a Guardian, Executor, or Administrator, or capable of any Legacy, or Deed of Gift; or of any Office Civil or Military, or Benefice Ecclesiastical; and shall suffer three Years Imprisonment without

H Bail,

Bail, from the Time of the Conviction.

THIS Act was not made to punish the Error, but the Impudence of the Offender. And if ever there was Occasion to put it in Execution, it is now, when several wicked Authors, in their pernicious Books, dare to *blaspheme that Holy Name, by which we are call'd*, and even in a ludicrous Manner to write against the Deity, the Miracles, and meritorious Sufferings of our Blessed Lord and Saviour.

PRESENT all, that shall speak or do any Thing in Contempt of the Holy Sacrament, contrary to the Act of the First of King EDWARD the Sixth; And all that shall disturb any Preacher allowed, in his open Sermon or Collocation, or be procuring or abetting thereunto.

¹ Ed. VI.
C. 1.

¹ M. I. Sess.

² C. 3.

¹ W. & M.

C. 18.

You are to take Care, that the Laws against Immorality and Profaneness be strictly put in Execution, in Pursuance of the excellent Proclamation just now read

read to you. We neither want good Laws, nor due Encouragement from our Superiors, nor yet good Magistrates; but many of the Constables, and other inferior Officers, are so very negligent and remiss in their Duty of Informing against, and Prosecuting common Swearers, Drunkards, Sabbath-Breakers, &c. that they often render our Pains as it were ineffectual, for the Promoting a general Reformation of Manners. Therefore make a strict Enquiry into, and make a due Presentment of the Neglects, or Connivances of all Officers of Justice concern'd in the Execution of the Laws, especially those against Immorality and Profaneness; for since we find by Experience, that they have so little Regard to the Glory of GOD, the Good of their Country, or their Oaths, it is highly conducive to their own Good, and to the better De-meanour of their Successors, that they should be made publick Examples of, and suffer Fine and Imprisonment, as the Court shall think fit.

THE second general Head relates to the King.

THE greatest Offence against him is High Treason.

BEFORE the Statute of the Twenty fifth of King EDWARD the Third, what was High Treason at the common Law being very uncertain, this Statute was made to reduce the several Species of Treason to a Certainty.

By this Act, Compassing or
^{25 Ed. III.}
^{C. 2.} Imagining the Death of the King, or Queen, or their Eldest Son and Heir, and Declaring, by an open Act, a Design to depose, imprison, or murder the King, &c. is High Treason; so is levying War against him, or adhering to his Enemies within the Realm or without; and also counterfeiting his Great Seal, Privy Seal, or his Money current within the Realm. The several other Species of High Treason I omit to give you in Charge, because not likely at present to fall under your
 Cog-

Cognizance and Enquiry. But before I proceed to other Things, I must mention to you one Act of Parliament made for Securing to us, and our latest Posterity, that invaluable Legacy of the *Hanover* Succession, left us by the great King WILLIAM of Glorious and Immortal Memory. And this is a Statute made in the sixth Year of the Reign of the late Queen

ANNE, whereby it is made ^{6 Annæ. C. 7.} High Treason to maintain, by Writing, or Printing, That her then Majesty was not lawful Queen; or that the Pretender hath any Right to the Crown; or that any other Person hath any Right to the same, but by the Acts of Settlement; or that the King and Parliament cannot limit or bind the Succession of the Crown: And if the Offender maintain the same only by Words, it is a Premunire; but then, Information for the Words must be made before one or more Justices of the Peace, upon the Oaths of two credible Witnesses, within three Days after they are spoken, and the Prosecution must be within three Months after the same.

same. This is necessary to bring the Offender to suffer the Punishment for a Premunire; but the like Words, without these Circumstances or Qualifications, are Indictable as a High Misdemeanour at the common Law, being against the Duty and Allegiance of every Subject. And here I would remark to you, that Altering or Limiting the Succession of the Crown is not unprecedented; for in the Reign of King HENRY the Eighth, he, with his Parliament, limited, ordered and settled the Succession of the Crown as they pleased; and in the thirteenth Year of Queen

13 *Eliz. C. 1.*
Raft. 27.

3 *Inst. 6. 10.*

12. 14.

Coke's Inst. 4.
Part 36.

ELIZABETH, an Act was passed, that made it High Treason for any one during her Life, and a Premunire afterwards, to deny that such Power was invested in the Queen and Parliament.

YOU are also to enquire of Misprision of Treason, which is a bare Knowledge of Treason without Assent to it.

AFTER

AFTER Treasons, and Misprision of
Treason, you are to Enquire of Felo-
nies committed against the King, and
which, for Distinction sake, may be call'd
publick Felonies. Debasing the current
Coin, and unlawfully Diminishing it are
made Felony, by the Acts of
the Sixth and Seventh; and the
Eighth and Ninth of King

6 & 7 W. III.
C. 17.
8 & 9 W. III.
C. 25.

WILLIAM the Third. And so is Attempt-
ing to kill, assault, or wound any Privy
Counsellor in the Execution
of his Office, by an Act of
the Ninth of the late Queen
ANNE.

9 Anne C. 16.

ANY Person going beyond the Seas,
to serve any foreign Prince, without
taking the Oath of Allegiance before
his Departure, is to suffer
Death as a Felon, by the
Statute of the Third of King
JAMES the First.

3 Jac. I. C.
4.

EMBEZZELLING his Majesty's Ar-
mour, Ordinance, Shot, Powder, and
other Habiliments of War, or Victuals
provided for Soldiers, by any Persons
having

having the Charge or Custody of the same, to the Value of twenty Shillings, tho' at several Times, is made Felony, by an Act of the Thirty first of

31 *Eliz.* C.

4

Queen ELIZABETH. And so is

Stealing or Embezzelling his

22 *Car.* II.

C. 5.

Majesty's Naval Stores, by an

Act of the Twenty second

of King CHARLES the Second.

COUNTERFEITING the King's Stamps, or Uttering, Vending or Selling any Velum, Parchment, or Paper with coun-

terfeit Marks, knowing them

10 *W.* III.

C. 25.

to be so, is Felony by the Sta-

tute of the Tenth of King

WILLIAM the Third. And so is pri-

vatly and fraudulently Using any

Stamps to defraud his Majesty of his

Duties, by two Acts of Par-

10 *Annæ* C.

19. 26.

12 *Annæ* C.

9. 19.

liament, one of the Tenth,

and the other of the Twelfth

of Queen ANNE.

Y o u are also to present the Authors, Printers and Publishers of all treasonable and seditious Books, Pamphlets and Ballads reflecting upon his Majesty's

Majesty's sacred Person, or his Administration.

THE third general Head of Offences concerns your Neighbour, or Fellow Subject.

Of these, some are Capital.

I. SUCH as are committed against his Life, as Murder, which is a voluntary Killing of another with Malice prepensed, expressed, or implied; or Manlaughter without Malice, when two quarrel and fight instantly before they grow cool again, and one of them is kill'd; or sometimes Chance medly, as doing a lawful Act without an Intent to hurt, and Death ensues.

2. SUCH as concern his Goods, as Grand Larceny, or a Felonious and Fraudulent Taking or Carrying away, but not from his Person, or out of his House, above the Value of twelve Pence; Petty Larceny, if under that Value; Robbery,
I which

which always supposeth the Taking away of the Money, or Goods, from the Person, or out of his House, he or his Family living in it, to be with Force and Violence; otherwise being privately and secretly done, it is call'd Larceny from the Person.

PICKING a Pocket, or Cutting a Purse, is a capital Offence, by the Statute of the Eighth of Queen ELIZABETH. So is Horse-stealing, by the Second and Third of King EDWARD the Sixth, and other Statutes.

By an Act of the Third and Fourth of King WILLIAM and Queen MARY, if any Person take away, with an Intent to steal, any Goods to the Value of forty Shillings which they are to use in their Lodgings it is Felony without Clergy. As it is by the Statute of the Twentieth first of King HENRY the Eighth, for a Servant of the Age of Eighteen, and not an Appren-

8 Eliz. C. 4.

2 & 3 Ed. VI.

C. 33.

37 H. VIII.

C. 8.

1 Ed. VI.

C. 12.

3 & 4 W. &

M. C. 9.

21 Hen. VIII.

C. 7.

tic

tice, to withdraw himself with the Goods of his Master or Mistress, with an Intent to steal the same; or without their Assent or Commandment, embezzle their Goods with the same Intent, to the Value of forty Shillings.

By the Statute of the Tenth ^{10 & 11 W.} and Eleventh of King WIL- ^{III. C. 23.} LIAM the Third, Stealing out of any Shop, Ware-house, Coach-house, or Stable, by Night or Day, to the Value of five Shillings, tho' the Shop, &c. be not broke open, or any Person put in Fear, is Felony without Clergy: So is Assisting, Hiring, or Commanding any Person to commit such Offence.

STEALING to the Value of forty Shillings, or more, out of a Dwelling-House, is also Felony without Clergy, by an Act of the Twelfth of Queen ANNE.

COUNTERFEITING Bank Notes, Exchequer Bills, South Sea Bonds, or Lottery Orders, are capital Offences by several Statutes made in

¹² Annæ
C. 7.

^{8 & 9} W. III.
C. 19.

^{7 & 8} W. III.
C. 31.

^{8 & 9} W. III.
C. 23.

³ Annæ C. 13.

⁷ Annæ C. 7.

⁹ Annæ C. 7.

1 Geo. I. C. 12.

9 Anne C. 21.

12 Anne C. 2.

the Reigns of King WILLIAM,
Queen ANNE, and the late
King GEORGE.

COUNTERFEITING, or Forging, or
Assisting in the Counterfeiting and Forg-
ing any Letter of Attorney, or other
Authority, to transfer the Shares of any
Proprietor in the Capital Stock of any
Body, or Bodies Politick, or Corporate,
establish'd by an Act of Parliament; or
falsely Personating the true Proprietor of
any such Shares, &c. or Receiving, or En-
deavouring to receive the Money, of any
such Proprietor, as if he was the true
Proprietor, by Counterfeiting his Name,
&c. is Felony without Cler-
gy, by the Statute of the
Eighth of the late King
GEORGE.

3. YOU are to enquire of such Offen-
ces, as concern your Neighbour's Habi-
tation, as Burglary, or Breaking and
Entering the Mansion-House of another
in the Night Time, with an Intent to
commit some Felony; and House Burn-
ing,

ing, which takes in the voluntary and malicious Burning of Outhouses, Stablings, or Barns with Hay, or Corn in them, as well as the Mansion-House strictly so call'd.

THERE are likewise many other Offences enquirable by you, which are made Felony by several Statutes. I shall mention some of them.

As all Rapes and Ravishments of Women, by the Thirteenth of King EDWARD the First, ^{13 Ed. I. C.} and the Sixth of King RICHARD ^{34. 6 R. II. C. 6.} the Second. And also forcibly Marrying Women of Substance in Goods or Lands, against their Wills, and receiving such Offenders, knowing thereof, or abetting the same, is made Felony, by the Third of King HENRY the Seventh, and ^{3 H. VII. C. 2.} the Thirty ninth of Queen ELIZABETH. To lie with ^{39 Eliz. C. 9.} any Woman Child under ten Years old, tho' with her Consent, is Felony, by the Eighteenth of ^{18 Eliz. C. 7.} Queen ELIZABETH. To cut out the Tongue,

Tongue, or put out the Eyes of any Person, is Felony, by the Fifth of King HENRY the Fourth. And by the Twenty second and Twenty third of ^{5 H. IV. C. 5.} King CHARLES the Second, ^{22 & 23 Car. II. C. 1.} commonly call'd the *Coventry Act*, all such as on Purpose, and of Malice forethought, and by Lying in Wait, unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut off or disable any Limb, with an Intent to Disfigure any Person, it is Felony in him, his Aiders and Abettors.

IF any Owner, Captain, Master, or Mariner, or other Officer belonging to a Ship, shall wilfully cast away, burn, or destroy the Ship, or procure the same to be done, to the Prejudice of any Person, who shall underwrite any Policy of Insuranc^e thereon, or of any Merchant, that shall load Goods thereon, it is Felony, by an Act of the Fourth of the late King GEORGE.

^{4 Geo. I. C. 12.}

A lifted Soldier, departing from his Captain without Leave, is Guilty of Felony by the Eighteenth of King HENRY the Sixth, ^{18 H. VI. C. 19.} and the Second of EDWARD the Sixth. ^{2 Ed. VI. C. 2.} And any Soldier

raising a Mutiny in the Army, or refusing to obey his superior Officer, or resisting any Officer in the Execution of his Office, or striking, drawing, or offering to draw, or lift up any Weapon against his superior Officer, is also guilty of Felony, by an Act of the tenth Year of the Reign of Queen ANNE. ^{10 A. C. 10.}

STEALING, or taking away any Record is Felony by the Statute of the Eighth of King HENRY the Sixth; ^{8 H. VI. C. 12.} and so is acknowledging any Bail, Recognizance, Statute, or Statutes, or Deed inrolled in the Name of another, not privy or consenting thereunto, by the Statute of the Twentyfirst of King JAMES the First; ^{21 Jac. I. C. 26.} and Forgiving a Deed, after a former Conviction for

for the like Offence, is made Felony
by the fifth of Queen ELI-
5 Eliz. C. 14. ZIABETH.

A Felon's Escaping before Trans-
portation, or Returning from Abroad
before the Time expired, for which he
was ordered to be Transported, is made
a Capital Offence, by the
6 Geo. I. C. 23. Sixth of the late King
GEORGE.

IF eight Persons, or more, Assault
or Wound any Officers of the Customs
in the Execution of their Duty, it is
Transportation for seven Years, and if
the Offender return within that Time,
then he is to suffer as a Felon, by an
other Act of the Sixth of the
6 Geo. I. C. 21. late King GEORGE.

MALICIOUSLY Setting on Fire, Burning,
or Causing to be Burnt any Wood,
Underwood, or Coppice, or any Part
thereof, is made Felony, by an Act of
the First of the late King
1 Geo. I. C. 18. GEORGE.

IF twelve Persons or more, are ri-
otously and tumultuously assembled
together,

together, and by Proclamation made by a Justice of the Peace, Mayor, Bayliff, or other head Officer, they are commanded to disperse themselves, and depart to their Habitations, &c. and if they continue together an Hour after, it is Felony without Clergy, by an Act of the First of the late King

GEORGE. As it is by the same

¹ Geo. I. C. 5.

Act to demolish and pull down or begin to demolish and pull down any Church, Chappel, or any Meeting-House for Religious Worship, certified and registered according to the Statute of the First of King

¹ W. & M.
Seff. 1. C. 18.

WILLIAM and Queen MARY, or

any Barn, Stable, or other Outhouse; or knowingly to hinder or hurt any Person beginning to make Proclamation, whereby such Proclamation shall not be made, is also Felony; as it is in the Rioters, to whom it should have been made, if they do not disperse themselves, but continue together an Hour after such Lett or Hinderance.

BANKRUPTS, Removing, Concealing or Embezzelling any Money, Effects, &c. to the Value of twenty Pounds, are Guilty of Felony, by an Act of the Fifth of the late King
5 Geo. I. C. 9. GEORGE.

TRANSPORTING live Sheep, or Lambs, out of the King's Dominions, is Felony for the second Offence, by an Act of the Eighth of Queen ELIZABETH. The Punishment

for the first Offence is Forfeiture of Goods and Chattels, and Loss of the Offender's left Hand, which is to be cut off in some open Market, and Imprisonment for a Year. Maliciously and Willingly Killing any Horses, Sheep, or other Cattle in the Night Time, is

22 & 23 Car.
II. C. 7.

Felony, by the Twenty second and Twenty third of King CHARLES the Second.

Marrying a second Husband or Wife, the former being alive, is also Felony, by the Act of the First of King JAMES the First.

1 Jac. I. C. 11.

By the Statutes of the Fourth and Sixth of the late King 4 Geo. I. C. 11.
6 Geo. I. C. 23.
GEORGE, to take Money or Reward, Directly or Indirectly, under Pretence, or upon Account of Helping another to stolen Goods or Chattels, unless such Person apprehends the Felon, who stole the Goods, and brings him to Tryal, and gives Evidence against him, he shall suffer, as if he had Stolen the Goods himself. The late *Jonathan Wild* was Convicted and Executed for this Crime.

PERSONS going arm'd, having their Faces blacked, or otherwise disguised, appearing in any Forest, Chase, Park, Paddock, &c. Hunting, Wounding, Killing, or Stealing any Red or Fallow Deer; or Robbing any Warren, or Place, where Conies or Hares are usually kept; or Stealing any Fish out of any River or Pond; or maliciously Killing or Wounding any Cattle; or Cutting down, or otherwise Destroying any Trees planted in any Avenue, or growing in any Garden, Orchard, or Plantation for Or-

nament, Shelter or Profit; or Setting fire to any House, Barn or Outhouse, or Stack of Corn, Straw, Hay or Wood; or wilfully and maliciously Shooting at any Person in any Dwelling-house; or knowingly sending a Letter without a Name subscribed thereto, or sign'd with a fictitious Name, demanding Money, Venison, or other valuable Thing; every Person, offending in any of these Particulars, is guilty of Felony without Clergy, by an Act of the Ninth of the late King

9 Geo. I. C. 22.

GEORGE.

25 H. VIII.

C. 6.

32 H. VIII.

C. 3.

2 & 3 Ed. VI.

C. 29.

Repealed by

1 M. I. C. 1.

Revived and

made Perpetual by

5 Eliz. C. 17.

I shall mention but one Crime more, that is Felony by Statute, and that is, The most Detestable and Unnatural *Sin of Sodomy*: A Crime, that GOD Almighty punished with one of the most signal and remarkable Judgments, that ever he inflicted upon any Nation or People. And may not we expect some extraordinary Punishments from

from Heaven, when the vilest Abomination of the *Heathen* World, and a Sin, not to be named amongst *Christians*, prevails in a Nation, that for so many Years has enjoy'd the Light of the *Gospel* in the Power and Purity of it? It is not only under our own Constitution, but in all civilized Nations, that the Laws have severely punish'd this execrable Crime. I hope therefore you will do your Duty, not only in Finding out and Punishing these abominable Offenders against G O D, the Law, and human Nature; but also by Presenting those Houses, that harbour and entertain them. Several Persons for keeping Disorderly Houses of this Kind have lately been Pilloried, Fined and Imprisoned; and I hope, that the rest of these Miscreants will be brought to condign Punishment, that so this horrible Wickedness, that 'till of late rarely appear'd in our Histories or Records, may be intirely suppress'd, and rooted out from amongst us.

2. OF Offences not Capital, you are to present all Riots, Routs, and unlawful Assemblies, Assaults, Batteries, and all other Breaches of the Peace. All common Nufances, Houses of common Lewdness and Gaming, and disorderly Houses. Those Houses and Shops where People frequently get Drunk with *Geneva*, and other Liquors of that Kind, are indictable as Disorderly Houses, whether they have or have not Licences.

You are to enquire of all Want of due Repairs in Bridges, Common Highways, Streets, and Pavements; and of all Kinds of Trespasses and Misdemeanours whatsoever. But for a more particular Account of these Offences of the lower Kind, I refer you to my Charge the last Quarter-Sessions, which the Court was pleased to Order to be Printed and Publish'd. A Copy of which I have directed to be given to every one of you, for your Use

Use on this present, or any future Service of this Nature.

To Conclude, GENTLEMEN. As you are to enquire of, and present all Offences against the Laws of GOD, and the Laws of the Land, so I hope, that you will acquit your selves with all Honesty, Diligence, and Impartiality; and we shall find by your Presentments, that you have a well grounded Zeal for the Honour and Glory of Almighty GOD, a true Love to your Country, a most sincere and affectionate Loyalty to his Sacred Majesty King GEORGE the Second, upon whom, and his Royal Progeny, next under GOD, our Safety and Happiness depends; and a tender and conscientious Regard to the solemn Oath, which you have taken in the Face of this Court, for the true Performance of your Duty; always Remembring the strict Account, that you must give at the last Day, of all your publick and private Actions, before
the

the great Tribunal. And now, GENTLEMEN, without Detaining you any longer, I dismiss you to your Enquiries.



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T H E
C H A R G E

O F

Sir *John Gonson* Knt.

T O T H E

G R A N D J U R Y

O F T H E

Royalty of the Tower of London, and Liberties and Precincts thereof.

At the General Quarter-Sessions of the Peace for the said *Royalty*, &c. held the sixteenth Day of *July*, 1728, at the *Court-House* on *Great Tower-Hill*.

Printed at the Desire of the Justices of the Peace for the said Royalty, and of the Grand Jury.

Printed by CHARLES ACKERS. MDCCXXVIII.

Turr' & Libertat.
Turr' London.

ff. Ad Generalem Quarterialem Sessionem Pacis Domini Registent' apud le Court-house super Towerhill magna infra Libertat' Turr' dicti Domini Regis London. Prædict' in & pro Libertat' Prædict' & Precinct' ejusdem, Die Martis (scilicet Decimo Sexto Die Julii, Anno Regni Domini Georgii Secundi, nunc Regis Magnæ Britanniae, &c. secundo.

WHEREAS Sir *John Gonson* Knight, Chairman at this General Quarter-Sessions of the Peace, held for the *Tower of London* Liberties, and Precincts thereof, hath this Day given to the Grand Jury, sworn at this present Sessions of the Peace, held for the said Liberty, a Loyal, Learned and Ingenious Charge, and tending much to the Promoting of Virtue and Religion ; it is unanimously Agreed, and ordered by this Court, That the Thanks of this Court be, and the same are hereby given to the said Sir *John Gonson* for such his Charge. And further, this Court desires, that he would be pleased to cause the same to be Printed.

Per Curiam

BRUNCKER.



To the W O R S H I P F U L

Sir *John Gonson* Knt.

CHAIRMAN of the General
Quarter-Sessions, of the Peace,
held for his Majesty's Roy-
alty of the *Tower of London*,
the sixteenth Day of *July*,
1728.

WE the Grand Jury, sworn to
enquire for the Body of the
Royalty of the *Tower of Lon-*
don, having this Day received a
most Loyal, Learned, and Ingeni-
ous Charge by your *Worship*, Do
hereby return you our most hear-
ty Thanks for the same; and
L 2 pray,

*pray, that you will be pleased, to
cause the same to be Printed.*

Henry Willoughby.

Henry Dean.

Ralph Arnold.

James Wood.

Peter Gayd.

Tho. Hutchinson.

Tho. Simmons.

Wm. Hookham.

Will. Higgins.

Sam. Knowles.

James Swaine.

John Smith.

Charles Woolmer.

Wm. Harper.

Wm. White.

John Harper.

Richard Brett.



T H E



T H E
C H A R G E
O F

Sir John Gonson Knt.

Gentlemen of the Grand Jury,



T is the peculiar Happiness
and Glory of us in *Great-
Britain* to be in the strict-
est Sense a free People, and
to live under a Constitu-
tion of Government so ad-
mirably fram'd, that it secures as great
Powers and Prerogatives to the Crown, as
any wise and good Prince can desire, who
will own his People as Subjects and not as
Slaves; and at the same Time reserves most
valuable

valuable Rights and Liberties to the People. There is that due Balance in Property, Power and Dominion in our Constitution, that like the ancient Government of *Sparta*, it may be call'd an Empire of Laws, and not of Men. Every Subject of *Great-Britain* has the same Right to what he can acquire by his Labour, and Industry, as the King hath to his Crown; no Man can be Imprisoned, unless he has transgressed a Law made by the Representatives of his own Choofing, nor be tried but by a Jury of his Neighbours. A greater Inheritance (saith my Lord *Coke*) is derived to us by our Laws, than from our Parents. For without the former what would the latter signify?

AND as this most happy Constitution hath been maintained at the Expence of Millions of Treasure, and came down to us swimming in the Blood of our Ancestors, who always esteemed it the most valuable Legacy, which they could leave to their Posterity; so GOD Almighty, by a kind and over-ruling Providence, hath
still

still preserved us a free People; our Government having stood the Shock of Ages from its Original; particularly of the last, when so many Attempts were made to turn our limited Monarchy into Tyranny. And this inestimable Blessing we ought the more to value, if we look Abroad into the Kingdoms, that lie nearest and are best known to us; in some of which we shall not find the very Shadow of Liberty left; and in many there is no more than the Name of it remaining. *Spain, Portugal, Sweden, Denmark* and *France* were all, an Age or two ago, limited Monarchies, govern'd by Princes well advis'd by Parliaments or Cortes, and not by the absolute Will of one Man. But now all their valuable Rights and Liberties are swallowed up by the arbitrary Power of their Princes; whilst we, happy *Britons*, are in many Things the Envy as well as the Wonder of other Nations, and almost the last of the *Northern Kingdoms of Europe*, that have preserved this our ancient and well balanced Government. Remarkable is that Account,
which

which we read of concerning *Monsieur*
Mexeray, the famous *French* Historian,
 who towards the Close of the last Cen-
 tury, discoursing with a Per-
 son of Quality of our own
 Nation, about the Diffe-
 rence of Government in *France* and *Eng-*
land, broke out into these Expressions,
 “ We had once in *France* (says he) the
 “ same Happiness, and the same Privi-
 “ leges, which you have; our Laws
 “ were made by Representatives of our
 “ own Choosing; our Money was not
 “ taken from us, but by our own Con-
 “ sent; our Kings were subject to the
 “ Rules of Law and Reason: But now,
 “ alas! we are miserable, and all is lost.
 “ Think nothing, Sir, too dear to main-
 “ tain these precious Advantages, and,
 “ if ever there be Occasion, venture
 “ your Life and Estate, and all you
 “ have, rather than submit to the Con-
 “ dition you see us reduced to.”

THUS sensibly did this great Man
 lament the lost Liberties of his Coun-
 try.

As

As to the Excellency, Wisdom and Justice of our Laws, the daily Benefits and Advantages, which we all receive from them, give them a Character beyond all the Rhetorick imaginable.

WE of this Age enjoy such a Collection of Blessings, as ought to be viewed with the highest Sentiments of Joy and Thanksgiving to Almighty G O D. A King upon the Throne form'd for the Happiness of all, that live under his Government; who is ever Securing and inviolably Maintaining all the legal Rights and Liberties of his Subjects, and whose only Ambition is to make them all easy and happy. And with such a King we have a most Virtuous, Pious and Excellent Queen, and a numerous Royal Progeny, eminent for all princely Virtues and Endowments, promising Happiness to our latest Posterity at distant Ages.

GENTLEMEN,

OUR most admirable Laws preserve their Honour, and best exert their Power

M

and

and Force, by a due, impartial and vigorous Execution, and an equal Distribution of Justice. And our Lives, Liberties, and Properties, in a great Measure, depend upon the due Execution of that great Power, which, by the Wisdom of our Constitution, is intrusted with Grand and Petty Juries. You are therefore summoned here, and sworn to enquire, and present to us all such Crimes and Offences, as fall within the Cognizance of this Court.

ALL Manner of Crimes are presentable by you, from the highest to the lowest Offences, from High Treason to Trespass: But tho' High Treason, Petty Treason, Burglary, and Felonies of all Sorts are enquirable by you and every Grand Jury; yet because Bills of Indictment for these Crimes are seldom or never brought before you at this Quarter-Sessions, but prosecuted at another Place, I shall omit to give you in Charge any capital Offences, and confine myself to those Offences only, that are both Enquirable and Punishable here.

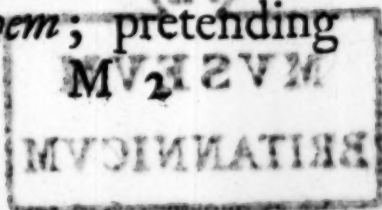
IN the first Place, the Honour and Service of Almighty GOD ought to be our chiefest Care. And we should all endeavour, if possible, to put a Stop to that Deluge of Profaneness, that has so overspread the Nation; and it were happy, if our Holy Religion did not suffer, as well from its Enemies Diligence to corrupt our Principles, as from the wicked Lives of its Professors.

THEREFORE you are to enquire of all Offences against the Act of the ninth Year of King WILLIAM the Third, for the more effectual Suppressing Blasphemy and Profaneness; and particularly of all Books and Pamphlets wrote against the *Christian* Religion, or the divine Authority of the Holy Scriptures: There are several late Writers, who go under the Names of *Deists*, but are really *Atheists*, without GOD in the World, renouncing his Providence, and even denying the LORD that bought them; pretending

9 & 10 W. III.
C. 32.

2 Peter ii. 1.

indeed



indeed an Enquiry after sensible Ideas of the spiritual and supernatural Truths of eternal Life : Whereas, with all their boasted Reason, they are not able to give an Idea of the Breath of natural Life, nor can tell the Composition of the least Pile of Grass; and yet, by rational Demonstration, would determine and judge of Things invisible, which can only be the Objects of Faith in the Word of G O D. Several of these Authors deny the Immortality of the Soul, and the future State of Rewards and Punishments, and would subject Mankind to a Baseness and Wretchedness inferior to the worst of Brutes, and thereby also dissolve the Bond of Security and Peace among all human Societies, and Relations, which can only consist in the Fear of G O D, and the Practice of Religion.

IF you cannot find out the Authors, present the Printers and Publishers of all these Wicked and Blasphemous Books.



Y O U

You have heard his Majesty's Proclamation read to you, *for the Encouragement of Piety and Virtue, and for the Preventing and Punishing of Vice, Profaneness, and Immorality, and the* Causing it to be thus publicly read, is one Part of the Duty of the Court, but not the whole; for his Majesty therein commands his Judges of Assize at their Assizes, and his Justices of the Peace at their General Quarter-Sessions, to give strict Charges for the effectual Prosecution, and Punishment of the Offenders of all Sorts and Kinds mentioned therein: And also of all Persons, that, contrary to their Duty, shall be Remiss and Negligent in Putting these good Laws in Execution. The Offences, expressly mentioned in this most Excellent Proclamation, are, Excessive Drinking, Blasphemy, Profane Swearing and Cursing, Lewdness, Profanation of the LORD's Day; all publick Gaming, and Gaming-Houses, and other lewd and disorderly Practices.

DRUNKEN-

DRUNKENNESS is a Vice, that calls aloud for your Redress upon a double Account; 1. Upon a Religious one, as it is an Offence against Almighty GOD; and, 2. Upon a Political one, because it reduces whole Families to Poverty and Ruin. One of our Statutes fixes this

^{4 Jac. I. C. 5.} infamous Character upon the Vice of Drunkenness, That it is Odious and Loathsome, the Root and Foundation of Blood-shed, Stabbing, Murder, Swearing, Fornication, Adultery, and such like enormous Sins; to the great Dishonour of Almighty GOD, and of our Nation, the Overthrow of many good Arts and Manual Trades, the Disabling of divers Workmen, and the general Impoverishment of many good Subjects, abusively Wasting the good Creatures of GOD.

IF this was a lively Description of the sad, and fatal Consequences of this brutish Immorality at the Passing of this Act, which is above a hundred and twenty Years ago, when the Nation in general was, comparatively speaking, much more

more Virtuous than it is now; What abundant Reason have we to do our utmost to suppress this Vice, that is so recent amongst us, and which, daily Experience shews, often drowns the best Natural Parts, and renders Men wholly unserviceable to the Community?

A common Drunkard is Indictable in Sessions, as well as Punishable in a summary Way; and yet we seldom hear of any Offenders of this Kind presented by Grand Juries, notwithstanding this Offence is so common and notorious.

A common Swearer is a Nuisance to the Place where he lives. I am sorry, that it is still too true, what that great and good Man, Arch-Bishop TILLOTSON, says in a Sermon against Swearing, That a Man cannot walk the Streets without having his Ears grated with this hellish Noise. We may justly wonder at the Patience and merciful Forbearance of our Great GOD, in not Punishing these impious Wretches, by an immediate Stroke

Stroke of his Almighty Vengeance, in not Sinking them quick into that irrecoverable State of Damnation, which they so often and earnestly imprecate upon themselves, for the Confirmation of some trifling Matter, and sometimes of a downright Falshood. And as this is a Sin very Dishonourable to GOD; so it is in this Particular extreamly Dangerous to human Societies: For profane Cursing and Swearing contributes much to the Growth of Perjury. Oaths are little minded, when common Use has sullied them, and every Minute's Repetition has made them cheap and common. Who can believe, that a Man, who hourly provokes GOD by rash and vain Swearing, should stick at a false Oath, whenever his Ambition, his Covetousness, or his Revenge prompt him to it, and importunately demand to be gratified, tho' at so vast a Price? Besides, At how low a Rate do such Men value their Souls, who expose them to the Wrath of GOD, and Eternal Damnation, by a Sin

Sin, from which they cannot reap the least Profit or Pleasure?

IF any Constables are Remiss or Negligent in their Duty, in Taking up and Giving Information against these Offenders, it is your Duty to Present such Constables, that they may be Punished and Fined.

THE Profanation of the LORD's Day is of late very Notorious, and yet pleaded for by some amongst us as Warrantable. Whatever Disputes there may be about the Morality of the Fourth Commandment, it is generally agreed amongst pious Christians, that this Day ought to be devoutly and religiously observ'd and kept holy: This the *Homilies* of our Church, and our Laws require. The Lord Chief Justice HALE, who was an excellent Christian as well as a great Lawyer, made it his Observation, that the more strictly he kept *Sunday*, the better Success he always had in his worldly Affairs the Week following.

1 Car. I. C. 1.

3 Car. I. C. 2.

29 Car. II.
C. 7.

His Life by
Dr. Burnet
late Bishop
of Sarum.

N

You

1 Eliz. C. 2.
23 Eliz. C. 1.
3 Jac. I. C. 4.
1 W. & M.
Sess. 1. C. 18.

You are to present to this Court, all such Persons who do not come to Church, or some Religious Meeting, allow'd by Law, every *Sunday*.

5 Eliz. C. 9. You are to enquire of Perjury, and Subornation of Perjury, which, as I observed before, does, in a great Measure, owe its dreadful Encrease to the impious Custom of profane Cursing and Swearing in common Conversation. These Offences of Perjury, and Subornation of Perjury, are more Heinous, and deserve a severer Punishment, because they are committed with Thought and great Deliberation, and carry along with them a high Affront to the Majesty of GOD, and great Injustice and Injury to Men; the Consequences of them are the Ruin of innocent Persons, who sometimes lose their Lives, and often their Estates, and good Names, by the false Oaths of perjured Wretches.

ALL these in their Nature are more immediate Offences against Almighty GOD,

GOD, and his Holy Religion established amongst us.

YOU are likewise to enquire of such Offences, as are committed against your Neighbours, or Fellow Subjects, and which Injure them in their Persons, their Properties, or their Reputations.

YOU are to enquire of Petty Larceny, which is Stealing any Thing under the Value of twelve Pence.

YOU are also to present all Assaults, Batteries, Affrays; and in general, all Breaches of the Peace, all forcible Entries, and Detainers of Lands and Tenements by Force.

A forcible Entry is, where one or more Persons, with Weapons not usually born, have violently entered into the House or Land of another; or where one or more have entered peaceably, the Door being open, and there have forcibly put another out of Possession.

A forcible Detainer is, where one or more have entered peaceably into the

House, or Land of another, and then have detained the Possession thereof with Force and Arms.

You are to enquire of all Riots, Routs and un^lawful Assemblies.

A Riot is, where three Persons or more are met together to do an unlawful Act; as to beat a Man, lay open his Fence, and the like, and have done the same.

A Rout is, where three Persons or more have met together to do an unlawful Act, and move from the Place where they first met, but afterwards part without doing the Act.

An unlawful Assembly is, when three Persons or more meet together to do an unlawful Act, and part without doing the same, or Moving forward for that Purpose.

You are to present all Foretallers, Regrators, and Ingrossers. These our Laws esteem great Offenders, who without any real Cause, enhance the Price of Corn, and other Victuals,

34 E. III. C. 1.
17 R. II. C. 8.
13 H. IV. C. 7.
19 H. VII.
C. 13.

5 & 6 Ed. VI.
C. 14.

Victuals, and thereby occasion Uneasiness, Discontent, and Murmuring, especially among the lower Sort of People.

FORESTALLING is, Buying up Commodities by the Way, before they come to Market.

REGRATING is, Buying Corn or other Victuals, in the Market, and Selling it again in the same Market, or in any other within four Miles.

ENGROSSING is, Buying up great Quantities of Corn, or other Victuals, and Selling the same again.

THESE Offenders, for the first Offence, forfeit the Value of the Goods, and are to suffer two Months Imprisonment: For the second Offence, double the Value of the Goods, and six Months Imprisonment: And for the third Offence they shall forfeit all their Goods, stand in the Pillory, and be Imprisoned during the King's Pleasure.

You are to enquire of Barretry, Maintenance, Champerty, and Embrocery: These are also great Crimes, and
it

it is Pity, that they are not oftner prosecuted.

BARRETRY is, Stirring up of Suits and Quarrels amongst the King's Subjects, which otherwise would be in Peace.

MAINTENANCE is, the Taking in Hand, Bearing up, or Upholding of Quarrels, or Sides, to the Disturbance or Hinderance of common Right.

CHAMPERTY is, the Maintaining and Carrying on of Suits and Causes, at their own Cost and Charges, to have Part of the Land or Thing in Question, or Part of the Gains.

EMBRACERY is, and an Embracerer is, one, that, when a Matter is at Trial, comes for a Reward to the Bar, being no Lawyer nor Witness, and speaks in Favour of one of the Parties, or labours the Jury, or uses any unlawful Practice, to make them give their Verdict as he would have them.

You

YOU are to present all Bawdy-houses, Gaming-houses, disorderly Houses, and unlicensed Alehouses. Those Houses and Shops, where People frequently get drunk with *Geneva*, or other spirituous Liquors, are Indictable as disorderly Houses, whether they have or have not Licences.

NOTHING is more Destructive either to the Health or Industry of the poorer Sort of People, on whose Labour and Strength the Support of the Community so much depends, than the immoderate Drinking of *Geneva*. It is common for a starving Sot, intoxicated with this or the like Liquors, to behold his Rags and Nakedness with a stupid Indolence, and either in senseless Laughter, or in low and insipid Jest, to banter all Prudence and Frugality, drowning his pinching Cares, and losing, with his Reason, all anxious Reflections on a Wife, or Children, perhaps crying for Bread in a horrid empty Home. In hot Tempers, it lets loose the Tongue to all the Indecencies

cies and Rudeness of the most provoking Language, as well as the most hellish Oaths and Curses, and is frequently followed by Quarrels and Fightings, and sometimes has been the Cause of Murder. Besides all this, these Houses and Shops are the Receptacles of Thieves and Robbers, and often the Original of them too: For when a Wretch has spent and wasted that, which should support himself, and his family, it is here, that they Associate and turn House-Breakers, and Street-Robbers, and so, by quick Progressions, at last make an Exit at the Gallows.

OUR Laws have not only taken a great Deal of Care to punish all Breaches of the Peace; but also in several Instances what only tends to a Breach of the Peace, as Challenging another to Fight. Also all Libels against private Persons are Indictable: For it is as just, that Reputation should be guarded and defended by Law, as that Property should.

THEREFORE

THEREFORE Writing a scandalous Letter concerning any one, directed either to the Party himself, or to a third Person, is punishable in this Court; and putting such a Letter into the Post, hath been adjudged a Publication of the Libel.

YOU are to enquire if the Clerk of the Peace, Coroner, Gentleman-Goaler, and all other Officers of this *Royalty*, perform their respective Duties.

WHETHER they, or any other judicial Officers, are guilty of Bribery, by Taking Gifts or Rewards to pervert Justice; or are guilty of Extortion, by Taking Fees, where none are due, or before they are due; or greater Fees than by Law are due to them; and particularly enquire of the Extortion of Goalers and Bayliffs.

YOU are to enquire, whether the Offenders sent to the House of Correction are set to work as they ought, and receive their due Punishments; and whether the Governour or Keeper thereof doth his Duty therein; of which a

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true

true Account is to be render'd every Quarter-Sessions.

If any Constables omit or neglect to make Presentments to this Court of any Annoyances, common Nuisances, or notorious Offences in their respective Neighbourhoods; you ought to present such Constables.

You are also to present all treasonable and seditious Libels against his Majesty, and his Ministers of State, or other great Men, or Magistrates; these are Indictable at common Law.

You are to enquire of all publick Nuisances, the Want of due Repairs in common Highways, Streets, and Pavements. But I refer you, for a more distinct and particular Account of these Offences, to my Charge given to the Grand Jury of the City and Liberty of *Westminster*, at the last *Easter* Quarter-Sessions held there, which that Court was pleased to Order to be Printed and Published; a Copy of which I have directed

directed to be given to each of you, GENTLEMEN, who are sworn upon this Grand Jury, for your Use on this present, or any future Service of this Kind.

GENTLEMEN,

THE Oath, that you have taken, obliges you to present all such Matters and Things, as come to your Knowledge, touching this present Service, as well as such Offences that shall be given you in Charge; and by the Statute of the Third of King ^{3 H. VII. C. 1.}

HENRY the Seventh, if a Grand Jury Conceal any Thing, which they ought to present, the Justices may, within a Year, impanel another Jury to enquire of such Concealment, and upon Conviction, fine every one of the former Jury at the Discretion of the Court: So earnestly the Law insists upon your doing your Duty. Therefore you must present all Nufances, Annoyances, Houses of Lewdness, and common Gaming; disorderly Geneva-shops, common Gamesters, common Drunkards, and Disturbers

bers of the Peace, and all other Offenders within this *Royalty*, as far as shall come to the Knowledge of any of you; which if you neglect to do, and leave any unpresented for Love, Favour, or Affection, Gain, Reward or Hopes thereof, you'll break your promissory Oath; I mean, that solemn Appeal you lately made to the GOD of Truth, who will not fail to avenge it upon your selves, and your Families; *for he will not hold him guiltless, who takes his Name in vain.* But that you may the better keep your Oaths, and Discharge your Duty with the greater Sincerity and Diligence, let me advise you seriously to think of the General Appearance, which we must all one Day make before the Awful Tribunal of the Great G O D, in Comparison of which, the most Solemn and August Judicature here upon Earth (tho' it may feintly Represent it to our Thoughts) is but a Piece of formal and vain Pageantry.

F I N I S.

T H E
Third C H A R G E
O F
Sir John Gonson Knt.
T O T H E
G R A N D J U R Y
O F T H E
C I T Y and L I B E R T Y of
W E S T M I N S T E R, &c.

At the General Quarter-Sessions of the
Peace, held the ninth Day of *October*
1728, in WESTMINSTER-HALL.

*Printed at the Desire of the Justices of the Peace
for the said City and Liberty, and of the
Grand Jury.*

L O N D O N :

Printed for W. MEADOWS at the *Angel* in *Cornhill*;
and C. ACKERS in *Great-Swan-Alley*, *St. John's-
Street*. MDCCXXVIII. [Price 6d.]

*Civitas, Burgus, & Villa Westm. in Com. Midd. ff. Ad Generalem Quarterialem Sessionem Pacis Domini Regis tenent' a-
 pud Westm. pro Libertat' Decani
 & Capituli Ecclesie Collegiat. beati
 Petri Westm. Civit', Burgi, &
 Villæ Westm. in Comitatu Midd. &
 Sancti Martini le Grand, London'
 die Mercurii scilicet nono die Octob.
 Anno Regni Domini Georgii Secundi,
 Dei Gratia nunc Regis Magnæ
 Britanniæ, &c. secundo, coram
 Justiciariis, &c. ibidem.*

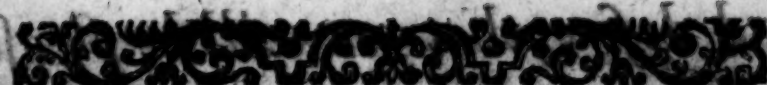
HIS Majesty's Justices of the Peace for the City and Liberty of *Westminster*, assembled at this present General Quarter-Sessions of the Peace, being of the Opinion that the Charge, this Day given by Sir *John Gonson* Knight, as Chairman (in the Absence of the Right Honourable *John Lord Delaware* the present Chairman) to the Grand Jury sworn to enquire for our Sovereign Lord the King, for the Body of this City and Liberty, and to the High and Petty Constables there, is a *Learned, Loyal, Judicious, and Useful Charge, highly tending to the Service of his Majesty, and his Government.* Have unanimously agreed, that the Thanks of this Court be, and the same are hereby given to the said Sir *John Gonson* for his said Charge, and they desire that he will cause the same to be Printed and Published.

Printed at the Desire of the Justices of the Peace
 of the City and Liberty of *Westminster*
Per Curiam
 Grand Jury

MIDDLETON.

J O H N

Printed for W. Mearns at the Angel in Cornhill
 and C. Ackers in Great-street, St. John's
 Price 6d.


To the RIGHT WORSHIPFUL

Sir John Gonson Knt.

CHAIRMAN of the General
Quarter-Sessions of the Peace,
held for the City and Liber-
ty of *Westminster*, &c. the
ninth Day of October 1728.

WE the Grand Jury, im-
pannelled and sworn to
enquire for Our Sovereign Lord
the King, for the Body of this
said City and Liberty, having
received from your Worship, as
Chairman, a very Learned, Loy-
al, Ingenious and Useful Charge,
Do hereby return you our most
humble Thanks for the same;

*and desire, that you will be pleased
to cause the same to be Printed
and Published for the better In-
formation of the Inhabitants and
Officers within this City and Li-
berty, in the Discharge of their
respective Duties, &c.*

John Farmer.

Charles Fullwood.

James Jarman.

Samuel Cotterell.

John James.

John Hind.

Robert Halliwell.

Christopher Hammond.

Daniel Truman.

John Walker.

Charles Capell.

John Rumbold.

H. Tabel.

Joseph Tull.

Richard Hunton.

John Hopkins.

Edmund Osborne.

Solomon Ranger.

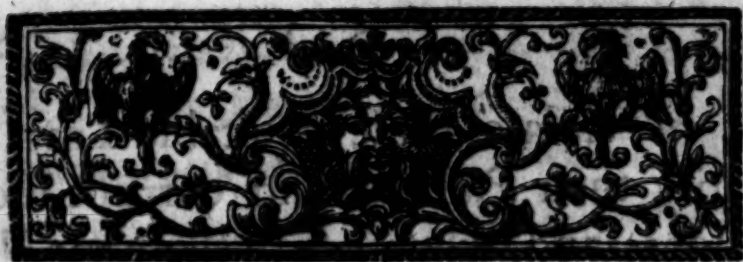
Richard Pick.

John Wells.

John Shepherd.



THE



T H E
Third CHARGE
O F

Sir *John Gonson* Kn^t.

Gentlemen of the Grand Jury,



U M A N Societies, and human Laws are the Effect of Necessity and Experience. If Men, in their Behaviour, liv'd up to the Precepts of the Law of Nature, none would ever spill his Neighbour's Blood, hurt his Person, or invade his Property. But because Men are so
apt

apt to violate those equitable Laws to gratify their Passions and corrupt Inclinations; and, when left to the boundless Liberty, which they claim from Nature, every Man would be Interfering and Quarelling with another, every one would be Plundering the Acquisitions of another, the Labour of one Man would be the Property of another, Weakness would be the Prey of Force, and one Man's Industry the Cause of another Man's Idleness.

HENCE came the Original of Government, which was the mutual Contract of a Number of Men, agreeing upon certain Terms of Union and Society, and putting themselves under Penalties if they violated those Terms, which were call'd Laws, and put into the Hands of one or more Men to execute: Thus Men quitted their natural Liberty to acquire civil Security, and were willing to part with some Privileges and Rights, which they have by Nature, in Order to secure the Rest from Violence.

THE Judicious * Mr. HOOKER thinks, that the first Government was Arbitrary, by a single Person; till it was found by Experience, That to live by one Man's Will became the Cause of all Mens Misery.

AND this he concludes was the Original of inventing Laws. "The law-
"ful Power of making Laws (says he)
"to command whole politick Societies
"of Men, belong so properly to the
"same intire Societies, that for any
"Prince, or Potentate of what Kind
"soever upon Earth, to Exercise the
"same of himself, and not by express
"Commission immediately and person-
"ally received from G O D, or else by
"Authority derived, at the first, from
"their Consent upon whose Persons
"they impose Laws, is no better than
"mere Tyranny". This is the more
Worthy of Consideration; being the
Judgment in a Point of Religion, not
of an Historian or a Lawyer, but of a

* Eccles. Polity, Lib. 1. Sect. 10.

Reverend

Reverend Divine, and such an one who hath been so great a Champion for Authority and Government, and for strict Conformity to our excellent Church.

ABSOLUTE Monarchy, indeed, may rather be esteemed a Species of Anarchy, than any Form of civil Government: For surely, when Men entered into Society, they never agreed or intended, that all of them, except one, should be under the Restraint of Laws, and that he alone should still retain all the Liberty of the unrestrain'd State of Nature, corrupted with Flattery, arm'd with Power, and made Licentious by Impunity, and at the same Time that the People should be totally deprived of the Safety and Security in civil Society, for which it was at first Instituted, and for which only they enter'd into it.

It is certain then, that the Limitation of Power, and the Superiority of Laws, in Matters of Government, had an Original in the early Ages of the World;
the

the *Lacedæmonian* Government was the same with that of *Crete*, and the Basis of each was settled upon this Maxim, That Liberty is the chiefest Good of civil Society, because it is that which makes every Thing we possess our own; without this Liberty all Property centers in those who govern, and not in them who are governed. By Liberty is not meant Licentiousness, or for Men to act without Controul, but under the Restraint of good Laws; so far free and at Liberty as reasonable Creatures would wish to be, and so far only restrain'd, as is necessary for the Peace and Good of Society.

THE Constitution of different Countries are indeed various, but the Obligations between the Governing and the Governed are every where mutual; the Office of a King, a Senate, or of the executive Power in a popular State, is to protect the People in their Lives, Liberties, and Properties; and to this End they claim the Allegiance, Obedience, and Assistance of their Subjects. The

Roman, and most of the *Græcian* States, were built upon the Republican Plan; but when the *Goths*, and other *Northern* Nations destroy'd the *Roman* Empire, and extended their Conquests into far distant Countries; they establish'd, wherever they came, a mixt Form of Government, which, like the World, subsists by the Opposition of the Elements, of which it is composed: The Preservation of this Constitution depending upon the Balance between the King, Nobility, and People, the Legislative Power was lodged in these three Estates, call'd by different Names in different Countries; in the *North* Diets, in *Spain* Cortes, in *France* Estates, and in *England* Parliaments. For tho' the Word *Parliament*, as my Lord COKE in his first Institute observes, is not above seven or eight hundred Years old; yet Assemblies of the People, or their Chiefs and Representatives, in most Nations of *Europe*, upon emergent publick Occasions, to consult and determine of their own Affairs,

fairs, has been a Practice so universal, as to Time and Place, that the Histories of all Nations, now extant, afford plain Footsteps in this Matter. The Style and Title of such Assemblies may indeed change with Language, which is a Thing continually changing *, and the Name and Designation of the Constituents may alter ; but it has ever been the immutable and constant Practice of civilized and well governed Nations to meet in general Assemblies, to advise, debate, and finally determine concerning their publick and national Concerns.

THAT this was our Case in *Britain* before Our SAVIOUR's Time, is clear from JULIUS CESAR's *Commen-*

* SIR HENRY SPELMAN in his *Glossary* says thus, under the Word *Gemotum*, “ Wittenagemot idem
 “ apud Anglo-saxones, quod apud nos hodie Parli-
 “ amentum, parumque à Folemoto defferebat, nisi
 “ quod hoc annum esset, & è certis plerumque
 “ Causis, illud ex arduis Contingentibus, & Legum
 “ Condendarum gratiâ, ad Arbitrium Principis in-
 “ dictum ”.

taries *. And TACITUS, in his *Germania* †, gives the like Account of that Country. And one of our most ancient Law Books, call'd *The Mirror of Justice*, cited by my Lord COKE in his first Institute, mentions an Assembly of the Counties, &c. in † King ALFRED's Reign; to descend lower would exceed

* CAESAR. Comment. Lib. 5. *Summa Imperii bellicue Administrandi communi Concilio permitta est Cassivelauno.*

† *De Minoribus rebus Principes consultant, de Majoribus omnes.*

‡ The Mirror of Justice was written in the Saxon Times, as appears by the Book it self, and it was revised, and some Things added to it, by the learned and wise Lawyer ANDREW HORNE, who lived in the Reigns of King EDWARD the First, and King EDWARD the Second.

MYRROR, Page 10.

For the good Estate of the Realm, King ALFRED caused the Counties to assemble, and ordained it for a perpetual Usage, that twice every Year, or oftner if need were, in Time of Peace, they should assemble at London, to sit in Parliament, for the Guidance of GOD's People, how the Nation should keep themselves from Sin, live in Quiet, and receive Right by certain Usages, and holy Judgments.

my

my Bounds. And the Subject has been unanswerably maintained by Mr. PETYT, in his *Antiquity and Power, &c. of the House of Commons*, and by Mr. TYRREL, in his *Bibliotheca Politica*, and the learned Preface to his *History of England*, which no Writer of Note has hitherto undertaken to confute; and last of all by Mr. RYMER in his *Fœdera*. The Excellency of this mixt Government consists in that due Poize, or Balance between Rule and Subjection, so justly observed in it, that by the necessary Concurrence of the Nobility and Commons, in the Making and Repealing all Laws, it hath the main Advantages of an Aristocracy and a Democracy, and yet free from the Disadvantages and Evils of either of those Kinds of Government.

BUT Length of Time, and a Succession of Folly and Vice, in two Parts of the Legislature, and of Cunning and Success in the Third, has driven it almost out of *Europe*. In *Spain, France, Denmark, Bohemia, Hungary*, and Part of *Germany*, the Monarchy, or rather Tyranny,

Tyranny, has now swallowed up the ancient Constitution; in *Switzerland* and *Holland* the two other Estates have yielded to the Commons: Whilst we in *Great-Britain* have still happily preserved this noble and ancient Gothic Constitution, which all our Neighbours once enjoy'd, as well as we, who are the Wonder and Glory of all the Kingdoms round about us. And we may truly apply to ourselves the Words of an inspir'd Author, *What nation is there so great, that hath statutes and judgments so righteous as these, which our G.O.D. hath given us!*

THE several Charters, especially that stiled *The Great Charter*, in the ninth Year of King *HENRY* the Third, in and by which our Rights and Privileges stand secur'd, sworn, and entail'd down to us and our Posterity, were not voluntary Abatements of the King's original Power, nor the Grants and Concessions of our Princes (as *FILMER*, *BRADY*, *LESTRANGE*, *HICKS*, *LESLEY*, and other Advocates for Arbitrary Power would

would make us believe) but Recognitions of what we had reserved unto our selves in the original Institution of our Government, and of what had always belonged to us by common Law, and most ancient Custom : And tho' these Liberties and Privileges came to be more distinctly expressed, and signally ratified in *Magna Charta*, than they had been before ; yet they had not only been acknowledged, and transmitted down in the Laws of King EDWARD the Confessor, as the Birthright of every *Englishman*, which also WILLIAM the First, commonly called *the Conqueror*, ratified as such ; but they had long before been collected into a Body by King EDGAR the Saxon, and were only revised, repeated, and confirmed by EDWARD the Confessor.

BRACON, who was a Judge in the Time of King HENRY the Third, calls the Laws of *England*, *The Ancient Judgments of the Just*. And BRITON, Bishop of *Hereford*, who published his Book in the fifth Year of King EDWARD

WARD the First, by the Command of that King, and as written in the King's Name; and Sir GILBERT DE THORNTON, who was a Chief Justice in the same Reign, and reduced the Book of BRACTON into a *Compendium*; and likewise Sir JOHN FORTESCUE, who was Lord Chancellor in the Reign of King HENRY the Sixth, in his Book *De Laudibus Legum Angliæ*, all write to the same Effect, and speak of the Laws of *England* as the Birthright of the Subject. And with these now mentioned concur all the eminent Authors in the Profession of the common Law, who, being so learned and so ancient, are therefore the most competent Witnesses of the *English* Constitution. Generally speaking, the whole Body of our Statute Laws, together with the Petitions of Right, and the *Habeas Corpus* Acts, are but Declarations and Confirmations of the common Laws of the Kingdom. And soon after the happy Revolution, under the Great and Glorious King WILLIAM the Third, which
both

both restored and improved our Constitution, was passed the famous Bill of Rights, wherein the ancient and fundamental Rights and Liberties of the Subject are distinctly stated, in thirteen Articles, and ratified and confirmed to us and our Posterity, and there acknowledged to be our most rightful Inheritance.

W. & M.
An Act declaring the Rights and Liberties of the Subject, &c.

OF all the inestimable Advantages derived to us from this our wise Frame of Government, none more deserves to be highly prized and valued than that peculiar Birthright of ours, Tryal of Causes, whether Civil or Criminal, by Juries; an undoubted Part of the Gothic Constitution. This hath always been held so sacred, that * King ALFRED put one of his Judges to Death for Passing Sentence upon a Man, when three of the twelve disagreed in their

* NATH. BACON's *Historical Discourse of the Uniformity of the Government of England.*

Verdict from the Rest. And the same King put another of his Judges to Death, for Passing Sentence of Death upon an *Ignoramus* returned by the Grand Jury. And a Third, for Condemning a Man upon an Inquest taken *ex Officio* (as before the Coroner, and the like) when the Criminal had not put himself upon his Country, that is, to be try'd by a Jury.

GENTLEMEN,

It is for Putting in Execution of this great and invaluable Privilege that we are now met together, and you are summoned here, and sworn to enquire of, and present to us, what Violations have been made of the Laws of GOD, and the Laws of the Land, by any Person, or Persons whatsoever, within the City and Liberty of *Westminster*.

In the Course of your Enquiries, the Honour and Service of Almighty GOD,
and

and his Holy Religion demands your first and principal Care.

A Sense of Religion, or the Fear of GOD, so manifestly tends to preserve the Peace of Society, and the Welfare of Kingdoms, that it is not more the Duty than it is the Interest of all Governours, to Support and Maintain it in its highest Esteem. Says TULLY*, Take away Religion, and you take away with it mutual Faith and human Society, and the most Excellent of Virtues, Justice it self. And MACHIAVEL, who had as little Respect for Religion as most People, ascribed the Prosperity of Rome to their Care of Religion, and the Strictness of their Morals; and tells us, That all Princes and Commonwealths, who would keep their Governments intire and uncorrupt, are above all Things to take Care of Religion, and preserve it in its due Veneration:

* Lib. 1. de Nat. Deorum. *Fides etiam & Societas humani generis & una excellentissima Virtus Justitia tollitur.*

For in the whole World (says he) there is not a greater Sign of imminent Ruin, than when GOD and his Worship are despised.*

A general Dissoluteness of Manners in any Community certainly tends to its Destruction: The Wise Man's Observation being founded in the Nature of the thing, as well as in the Decree of

Almighty GOD, That righteousness exalteth a nation; but sin is a reproach to any people.

Prov. xiv. 34

As the Virtue of a Kingdom encreaseth or diminisheth, so doth its Strength at home, and Credit abroad; and the Experience of all Ages and Nations teacheth us this great Truth, that no Government can long flourish, which doth not discourage and punish Vice and Profaneness.

To incite your Zeal in Doing your Duty, you have an illustrious Example before you. His Majesty, in his Excel-

* MACH. Disc. Page 284.

lent Proclamation just now read to you, hath declared it to be his Royal Purpose and Resolution, to Discountenance and Punish all Manner of Vice, Profaneness, and Immorality in all Persons of what Degree or Quality soever. And gives these Reasons for it, That it is an indispensable Duty on him (and consequently on all of us who act by his Authority) to be careful, above all Things, to Preserve and Advance the Honour and Service of Almighty G O D, and to Discourage and Suppress those Vices, which are so highly displeasing to G O D, and a Reproach to our Religion and Government; and as these Vices have a fatal Tendency to corrupt Persons, otherwise Religiously and Virtuously disposed; so they may, if not timely remedied, draw down the divine Vengeance upon us.

How piously, and with what an unfeigned Concern, doth his Majesty express himself for the Good and Welfare of his Subjects, is evidently demonstrated, if you will but peruse the Proclamation
it

it self, which his Majesty also commands to be given in charge, at every Assizes, and at every Quarter-Sessions.

AND therefore I hope, that you who (among other Things) are sworn diligently to enquire, and make true Presentment of all such matters and things, as shall be given you in Charge, from the due Regard, which you have for his Sacred Majesty, as well as for the Prosperity and Happiness of your Country, will, to the utmost of your Power, exert your selves in Putting these good Laws in Execution; and not suffer Blasphemy, profane Swearing and Cursing, Drunkenness, Profanation of the LORD's Day, and all other lewd and disorderly Practices, mentioned and described in this most Admirable Proclamation, to be practised and committed every Day with Insolence and Impunity, whilst every thing that is Good, Virtuous, and Laudable, is reviled, contemned and ridiculed.

AFTER

AFTER a due Concern for the Honour and Glory of Almighty G O D, the Honour and Safety of his Vice-gerent, our Most Gracious Sovereign, his Virtuous and Most Excellent Queen, and his Illustrious Royal Progeny, justly claim the next Place in your Thoughts.

THE greatest Offence, that can be committed under a Monarchical Government, is High Treason.

BEFORE the Making of the Statute *de Proditionibus*, in the Reign of King EDWARD the Third, in the Time of the *Barons Wars*, and during the Minority of that King, Treason was variously described, and according to the Temper of the Times, Facts were declared or not declared to be Treason, which kept the People in such continual Fear, and under such dreadful Apprehensions (the Punishment for this Offence being the most Severe which our Laws do inflict) that in the twenty fifth Year of that King's Reign, this Law was made, which

which reduces the Species of High Treason to a Certainty ; and this was then thought of so great a Benefit to the Subject, that the Parliament who made it, as my Lord COKE tells us, was called *Parliamentum Benedictum*, or the *Blessed Parliament*.

By this Act, Compassing or Imagining the Death of the King, the Queen, or their Eldest Son and Heir, is High Treason. So is Levying War against him, Adhering to his Enemies, Giving them Aid or Comfort, in the Realm or elsewhere. Counterfeiting his Coin, or Bringing false into the Realm ; Killing the Lord Chancellor, Lord Treasurer, Justices in Eyre, of Affize, and Justices of Oyer and Terminer, being in their Places doing their Offices. It is likewise High Treason by this Act, to Counterfeit the Great or Privy Seal ; and Counterfeiting the Privy Signet, or Sign Manual, is made High Treason by another Act of the First and Second of PHILIP and MARY.

By

By an Act of the Thirteenth and Fourteenth of King WILLIAM the Third, it is High Treason to hold any Correspondence with the Pretender, who is himself, by this Act, attainted of High Treason.

ENDEAVOURING to Hinder, or Deprive the next Successor in the *Protestant* Line, from Succeeding to the Crown, is made High Treason, by an Act of the First of the late Queen ANNE.

By a Statute of the Sixth of Queen ANNE, it is High Treason to Maintain and Affirm, by Writing, or Printing, that his Majesty is not Lawful and Rightful King of these Realms; or that the Pretender hath any Right to the Crown; or that any other Person hath any Right to the same, but by the Acts of Settlement; or that the King and Parliament cannot Bind or Limit the Succession of the Crown. And if the Offender maintains the same by Words only, then it is a Premunire.

IN the Reigns of King CHARLES the Second, and King JAMES the Second, there were several hard and irregular Prosecutions for High Treason; as that of the Lord RUSSEL, the Honourable Mr. SIDNEY, Mr. CORNISH, and others, whose Attainders, soon after the Revolution, were reversed by Parliament. And it was one of the Blessed Fruits of this Glorious Revolution, that the Laws concerning High Treason were altered for the Better, and greatly in Favour of the Subject. Formerly Men were committed for Treason, and their Friends were not admitted to come near them, nor were they allowed either Counsel to assist them, or Pen, Ink, or Paper, or informed for what Treason they were committed, or by whom accused; and tho' they had a Liberty to except against any of the Jury, they were never allowed to have a Copy of the Pannel to make any Advantage of it. But now, by the * Statute of the Se-

* *An Act for Regulating of Tryals in Cases of Treason, and Misprision of Treason.*

venth of King WILLIAM the Third, a Person committed for Treason, or Misprision of Treason, shall have a Copy of the whole Indictment five Days before his Tryal, to Advise with Counsel, &c. and a Copy of the Pannel two Days before his Tryal: And shall be allowed to make a full Defence by his Counsel learned in the Law, and his Witnesses shall be examined on Oath, and he shall not be Convicted, but by the Oaths of two Witnesses to the same Species of Treason,

You are to enquire of Misprision of Treason, which consists in the bare Knowledge and Concealment of High Treason.

You are to present the Authors, Printers, and Publishers of all seditious and treasonable Libels, against his Majesty's Sacred Person, his Illustrious Family, or his Administration; and of all the Libels that have been published of late, none exceeds the Malignity of that Villanous One of *Mist's Journal* of the twenty
D 2 fourth

fourth of *August* last, which the Grand Juries of *Middlesex* and *Bristol* have worthily Presented, as a most Wicked and Treasonable Libel, Reflecting on his Sacred Majesty, and the Ever Blessed Memory of his Royal Father; which Presentments being printed in the *London Gazets*, I presume most of you have seen.

GENTLEMEN,

IT is to his Majesty, as a common Father, that we owe all the quiet uninterrupted Enjoyment of our civil and religious Rights and Liberties, which we are at present blest with; and from the Succession in his Royal House we can only expect to have them continued to our Posterity. And as it cannot be doubted, but that you wish well to your selves, and your Families; so I hope you will do your Endeavour to Punish all those wicked Men, who would by their Libels, or other Devices, change so glorious a Prospect into Error, and Superstition

stitution in the Church, and Tyranny and Arbitrary Power in the State, under an enraged *Papish* Pretender, who has been harboured ever since he was five Months old among Arbitrary Princes, and been a constant Attendant at Courts, where no Law was ever talked of, besides the Will of the Prince.

AFTER your Duty to GOD and the King performed, your Neighbours, or Fellow Subjects claim your Justice.

You are to enquire of Petty Treason, which is where a Servant Kills his Master or Mistress, a Wife her Husband, or an Ecclesiastical Man his Prelate.

You are to present Burglary, which is the Breaking and Entering into a House, in the Night Time, with an Intent to commit some Felony.

You are to present all Sorts of Felonies, whether against the Person,
Goods,

Goods, or Habitation of a Man ; and
 all Accessaries before and after the Facts ;
 all Petty Larcenies ; all Assaults, Bat-
 teries, Affrays ; forcible Entries, and De-
 tainers of Lands and Tenements by Force ;
 Riots, Routs, and unlawful Assemblies ;
 Neglect or Breach of Duty in publick
 Officers, especially of Constables who
 Neglect or Refuse to execute Warrants
 delivered to them ; Bribery ; Extorti-
 on ; all publick Nufances ; all that Sell
 corrupt and unwholsom Victuals ; all
 Houses of common Lewdness and
 Gaming ; disorderly *Geneva* Shops ;
 Night Houses ; and those Houses which
 harbour Inmates, especially those that
 are kept open all Night, and which re-
 ceive great Numbers of idle and disor-
 derly Persons, lodging all Comers for a
 Penny or Two-pence *per* Night. A vigo-
 rous Prosecution of these Sort of Houses
 will be one Way of Preventing the nu-
 merous Robberies which we have lately
 heard so much of. You are also to enquire
 of all Highways and Bridges out of Re-
 pair, and of all broken Pavements ; and in
 general,

general, of every thing that is an Offence against the publick Peace.

YOU are, GENTLEMEN, of so good Understanding and Capacities, and so well Experienced in the Nature of this Service, that it will not be necessary to give you a long Catalogue or Detail of the many and various Kinds of Offences enquirable by you; but least any thing which you ought to enquire of should not occur to your Memories, I refer you to my former Charges, printed by Order of Court, and at the Desire of three several Grand Juries; and I have directed printed Copies of all those Charges, to be given to every one of you GENTLEMEN, who are sworn upon this Grand Jury, for your Use on this present, or any future Service of this Nature.

THESE Matters and Things, GENTLEMEN, that have been given you in Charge, with whatever else shall come to your Knowledge, touching this present Service, you are Impartially to lay before

before this Court by your Presentments, in Order to have the Offenders punished, and the Grievances redressed, by the effectual Putting our excellent Laws in due execution. And upon any Doubts, or Difficulties, which in the Course of your Enquiries you may meet with, the Court, upon your Application, will give you all due Assistance.

E N D

Just Publish'd,

SIR JOHN GONSON's Three CHARGES to several GRAND JURIES, *Viz.*

I. To the GRAND JURY of the City and Liberty of *Westminster, &c.* at the General Quarter-Sessions of the Peace, held the Twenty fourth Day of *April*, 1728.

II. To the GRAND JURY of the said City and Liberty, at the General Quarter-Sessions of the Peace, held the eleventh Day of *July*, 1728.

III. To the GRAND JURY of the *Royalty* of the Tower of London, and the Liberties and Precincts thereof, at the General Quarter-Sessions of the Peace, held for the said *Royalty*, the sixteenth Day of *July*, 1728.

Printed at the Desire of the Justices of the Peace in both the said Commissions, and of the respective GRAND JURIES. The Second Edition.

Printed for W. MEADOWS at the *Angel* in *Cornhill*; and C. ACKERS in *Great-Swan-Alley*, *St. John's-Street*. [Price 1s. 6d.]

A

CHARGE

TO THE

GRAND JURY

OF THE

CITY and LIBERTY
of WESTMINSTER, &c.

At the General Quarter-Sessions of the Peace,
held the third Day of July, 1729, in
WESTMINSTER-HALL.

By Sir JOHN GONSON Kn^t.

*Printed at the Desire of the Justices of the
Peace, for the said City and Liberty, and
of the Grand Jury.*

L O N D O N :

Printed for W. Meadows at the Angel in Cornhill ;
and C. Ackers in Great-Swan-Alley, St. John's-
Street. 1729. (Price 6 d.)

A

Civitas, Burgus, & Villa Westm. in Com. Midd. Ad Generalem Quarterialem Sessionem Pacis Domini Regis tenent' Sapud Westm. pro Libertat' Decani & Capituli Ecclesie Collegiat. beati Petri Westm. Civit', Burgi, & Villæ Westm. in Comit. Midd. & Sancti Martini le Grand, London' Die Jovis scilicet tertio die Julii, Anno Regni Domini Georgii Secundi, Dei Gratiâ, nunc Regis Magnæ Britanniae, &c. Tertio.

THIS Court taking into their Consideration the most Religious, Learned, Useful, and Excellent Charge, this Day delivered by Sir JOHN GONSON Knight, Chairman of this Court, to the Grand Jury, sworn to enquire for our Sovereign Lord the King, for the Body of this City and Liberty, at this present Sessions of the Peace; doth hereby Order, that the said Sir JOHN GONSON have, and he hereby hath the Thanks of this Court for the same; and the said Sir JOHN GONSON is hereby desired to cause his said Charge to be forthwith Printed and Published.

Per Curiam

MIDDLETON.

~~RESPECTFULLY~~
To the W O R S H I P F U L

Sir JOHN GONSON Knt.

CHAIRMAN of the General Quarter-Sessions of the Peace, held for the City and Liberty of Westminster, &c. the third Day of July, 1729.

WE the Grand Jury impanelled and sworn to enquire for our Sovereign Lord the King, for the Body of the said City and Liberty, having (with due Respect and Attention) received from your Worship, a most Eloquent and Useful Charge, tending to the good Government and Information, not only of this City and Liberty,

but to the universal Guidance
and Direction of all Persons
whatsoever, in the Execution of
the several Offices and Trusts in
them respectively reposed; Do
therefore return our most humble
Thanks for the same, and intreat
that you will be pleased to cause
the said Charge to be Printed, for
the better Improving the Know-
ledge of his Majesty's Subjects in
the Laws and Customs of this
Realm.

Samuel Bever,

John Hodson,	Edward Shepherd,
William Boon,	Rich. Williams,
Dawn Neale,	Jos. Caldecott,
John Hathaway,	Richard Clayton,
Wm. Barber,	Geo. Shute, Jun.
Jos. Mines,	Cuthbert Cornforth,
John Buck,	John Bladwell,
Tho. Paulin,	John Dunkarton,
Samuel Cockey,	Peter Le' Cott,
Moses Holloway,	Tho. Gibson,



CHARGE

TO THE GRAND JURY, &c.

Gentlemen of the Grand Jury,



GOVERNMENT in general is an orderly constituted Power, for publick Good. Orderly, to prevent Anarchy and Confusion; Constituted Power, to prevent Usurpation; For publick Good, to prevent Tyranny and Oppression.

THE Use and Necessity of Government is so obvious to all Men, that
there

there never was Age or Country without some Sort of civil Authority. But as Men are seldom unanimous in the Means to attain their End; so their Difference in Opinion, in Relation to Government, has produced Variety of Forms of it in the World. To enumerate them would be to recapitulate the History of the whole Earth. But they may, in general, be reduced to one of these Heads; either the civil Authority is delegated to one or more, or else it is still reserved to the whole Body of the People. Whence arises the known Division of Government, into Monarchy, Aristocracy, and Democracy.

MONARCHY it's probable was the first and most natural Government, because the most simple and easy for Men to light on. And in the first Ages of the World, before Ambition and Luxury had debauched the Minds of Princes, it was doubtless the best Sort of Government. But the Setting up so many Commonwealths on the Ruin
of

of Monarchies, shewed that Men found great Mischiefs and Inconveniencies in that Sort of Government, when it once grew tyrannical, or else they had never departed from it. And this made them, as BRUTUS said, at the Beginning of the *Roman Commonwealth*, to invent other Sorts of Government, which might partake of all the Benefits, without the Inconveniencies of absolute Monarchy*.

WE can never enough admire the Wisdom of the antient *German* and *Go-*

* HOOKER'S *Eccl. Polity*, lib. 1. sect. 10. At the first, when some Kind of Regimen was once appointed, it may be that nothing was then farther thought upon for the Manner of Governing, but all permitted unto their Wisdom and Discretion which were to rule. 'Till by Experience they found this for all Parts very inconvenient, so as the Thing, which they had devised for a Remedy, did indeed but increase the Sore, which it should have cured. They saw, that to live by one Man's Will became the Cause of all Men's Misery. This constrained them to come to Laws, wherein all Men might see their Duty beforehand, and know the Penalties of Transgressing them.

thic

these Nations, who preferred a limited Monarchy to all other Forms of Government, as an excellent Medium between the Mischiefs of arbitrary Power, and those Inconveniencies that attend Republicks, where either the common People or the Nobility must govern. And of this antient Constitution our Government is the Noblest, and almost the only Remains. Our Legislature is in the King, and the two Houses of Parliament. The executive Power is in the King, who is to govern his People by Laws of their own Choosing. The King is owned to be the Supreme of these Authorities, and in some Cases the Crown is the whole Power of the Kingdom. As for Instance, the Power of Making War or Peace is intirely in the Crown. So is the executive Part of the Law. But then to Restrain this Power, even where it is Absolute, from Exerting to any Thing unreasonable or unjust, there is, first, as to Making an unreasonable War, no Money

to be raised for Carrying on this War, or for any Thing else without a House of Commons. In the next Place, to Redress erroneous Judgments, or Decrees, upon which Executions would follow. Those Judgments, or Decrees, made by the King's Courts, may be reversed by an Appeal to the House of Lords, which is the supreme Court of Judicature, and from whence no Appeal lies to the Crown. For where Kings are not the whole entire Power, the Case of *Meum* and *Tuum* is often disputed between the King and the Subject. And the Judges are under an Oath to give Judgment according to Law ; not only in all Causes between one Subject and another, but also between the King and the Subject. And this Way the Crown is controuled, even by those who act by the Crown's Commission. This original happy Frame of Government is truly and properly called an *English* Man's Birth-right, a Privilege not to be exempt

B

from

from Law, but to be freed in Person and Estate, from arbitrary Violence, and Oppression.

And the Institution of Grand and Petit Juries is one of the most anti-ent, and valuable Parts of our Excellent Constitution, and the greatest Fence and Bulwark of our Lives, Liberties, and Properties.

GENTLEMEN,

IT is for the Exercise of this great and invaluable Privilege, that you are now summoned here, and sworn. And you are to present to this Court all Offences against the Rules, either of *Moral* or of *Civil* Justice. Under the former is included all Vice, Immorality, and Profaneness. And under the latter, all Offences committed against your King, and your Country.

THE Honour and Service of Almighty GOD ought to be our first and principal Care. The most famous Writers of Politicks, from PLATO down to
MA-

MACHIAVEL, shew, that Vice is always attended by Corruption, and is the Pest and Bane of every free Community. Every one, who has read the *Roman* History, which is now in the Hands of almost all the World, must be satisfied, that the Reason, why the *Romans* expelled the *Tarquins*, and establish'd Liberty upon a lasting Foundation, was, because they were at that Time a most religious and virtuous People. And the Reason, why they could not recover them, upon the Extinction of the Race of the *CESARS*, was, because they were then a more profligate, vicious, and luxurious People, than ever the World has known in any other Nation. All the famed Legislators of the World, *MOSES*, *LYCURGUS*, *SOLON* and *NUMA* founded their Laws, their Governments, and political Institutions upon Religion and Virtue.

You are therefore, as you honour your King, and love your Country, to take Care, that the Laws against

Immorality and Profaneness be strictly put in Execution, as the most excellent Proclamation, just now read directs, and which I am Commanded to enforce to you, and particularly those against profane Cursing and Sweating, Drunkenness and Breach of the Sabbath.

AFTER those Offences, which more immediately concern Almighty GOD and his holy Religion, you are to Enquire of Offences against *Civil Justice*, which are such Crimes, as are committed against your King and your Country.

THE greatest of these is High-Treason.

IN the *Saxon* Times there was no other Treason known, than that of Treachery to their Country, and Deserting it in Time of Danger *. Even Plotting against their King was no more than Felony, as appears by the *Mirror of Justice* †. An Indictment

* Tacitus Ger. cap. 10. Proditores & transfugas
atque horribilis suspendunt.

† Mirror, cap. 2, sect. 11.

for an Offence of that Nature, against King EDMUND, concludes only *felonice*. Whereas Indictments in the other Case, concluded *felonice & proditorie*. The Punishment of the one was Loss of Life, and Forfeiture of the personal Estate only; of the other, Loss of Life, with Forfeiture of the whole Estate, both Real and Personal*. Treason, which thus antiently related to the Kingdom only, we find, by the Lord Chief Justice GLANVILLE †, who wrote in K. HENRY the II^d's Reign, to have been then extended to the Person of the King; for that Author puts them both on the same Foot, and makes one as well as the other to be *Crimen laesæ Majestatis*. And the Reason of this, no Doubt, was the great Interest, which the Kingdom had in the Safety and Preservation of the Prince.

OFFENCES against the Safety and Honour of the King's Person, being then become Treason, made it so extensive,

* Leg. Edw. cap. 38. † GLANV. de Leg. lib. 1, cap. 2, & lib. 14, cap. 1.

and

and rendered it of so uncertain a Nature, that Persons were often involved in Treason before they thought of it : For as yet Treason was under no other Regulation, then what the present Sense of the Judges (not always above the Influence of angry or covetous Princes) should determine to be so; of which those Times afforded but too many sad Instances. To obviate therefore this Mischief, was the Statute of the 25th of King EDWARD III. ^{Cap. 2.} made, as a Rule whereby the Judges were intirely to govern themselves, who otherwise might have retained to this Day, a Power to declare any Thing to be Treason, which they apprehended to be highly prejudicial to the Kingdom. And tho' the Parliament, for good Reasons, thought it necessary to confine inferior Jurisdictions to one Rule; yet they still reserved to themselves a Power of Judging what shall be Treason in particular Cases, that were not expressed in this Statute,

Statute, as appears by the Proviso at the latter End of it *.

By this Act of the 25th of King EDWARD III. Compassing or Imagining the Death of the King or Queen, or their Eldest Son, or Heir, and declaring by an open Act a Design to Depose, Imprison, or Murder the King, &c. is High Treason. So is Levying War against him; or Adhering to his Enemies, within the Realm or without; and also Counterfeiting his Great Seal, or his Privy Seal, or his Money current within the Realm. The several other Species of High Treason, by this and latter Acts, I omit to give you in Charge, because

* *Sett.* 12. " And because many other like Cases
 " of Treason may happen in Time to come, which
 " a Man can't think or declare at this present Time,
 " it is accorded, that if any other Case, suppos'd
 " Treason, which is not above specified, doth
 " happen before any Justices; the Justices shall
 " tarry, without any going to Judgment of the
 " Treason, till the Cause be shewed and declared
 " before the King and his Parliament, whether it
 " shall be judged Treason, or other Felony".

not

not likely at present to fall under your Enquiry. And I shall only mention to you the Statute of the ^{Cap. 7.} 6th of Queen ANNE, whereby it is made High Treason, to Maintain and Affirm, by Writing or Printing, that his Majesty is not lawful King of this Realm; or that the Pretender hath any Right to the Crown; or that any other Person hath any Right to the same, but by the Acts of Settlement; or that the King and Parliament cannot Limit and Bind the Succession of the Crown. And if the Offender Maintains the same by Words only, then it is a Premunire.

AND here I must observe to you, that Altering and Limiting the Succession of the Crown, by Parliament, is no such new or unprecedented thing, as some of the Enemies of our present happy Establishment would make us believe; but it is most agreeable to our Antient Constitution and Laws, and exercised and practised Ages before the Revolution. Of which

which many Instances might be given, from our Histories and Records. Allow me to mention a few. King HENRY VII. had several Titles, yet he thought fit to wave them all, and get the Crown settled upon him, and the Heirs of his Body, by Parliament. * Accordingly an Act passed in the first

* Bacon's *Hist. H. VII. Engl. Ed. fol. 118. m. 16.* Buck's *Hist. of Rich. III.* Unprinted Statute still upon the Roll, the Title of which is *Titulus Regis.* And it runs in these Words: "To the Pleasure of Almighty GOD, the Wealth, Prosperity, and Surety of this Realm of England, and to the singular Comfort of all the Kings Subjects of the same, and in avoiding all Ambiguities and Questions. Be it Ordained, Established, and Enacted, by the Authority of this present Parliament, that the Inheritance of the Crowns of the Realms of England and of France, with all the Preeminence, and Dignity Royal to the same Pertaining, and all other Seignouries to the King belonging beyond the Sea, with the Appurtenances thereto, in any wise due or pertaining, be, rest, remain, and abide in the most Royal Person of our now Sovereign Lord King HENRY the VIIth, and in the Heirs of his Body, lawfully coming, perpetually, with the Grace of GOD, so to endure, and in no other".

Year of his Reign to this Purpose, in which it is remarkable, that there is no Recognition of any antient Right; but only an Establishment of the Possession, which he then had. And this Act was passed before he married with the Princess ELIZABETH, eldest Daughter to King EDWARD IV. and Heiress of the House of York. Nothing therefore can be more evident, then that he depended on his Parliamentary Title. He would never own that of the House of York, or suffer his Queen to join with him in any Act of Government, and this perhaps might be the Reason, why he never repealed the Act of the First of K. RICHARD III. by which she was declared Illegitimate. * And whatever Title the House of Lancaster had, it could not avail him, because his Claim was under one, who was also Illegitimate. † Besides, his Mother, the

* Collect. of Records, p. 709, 714.

† JOHN of Gaunt, Duke of Lancaster, had by CATHERINE SWINFORD, before Marriage, four Illegitimate Children,

the Countess of *Richmond*, was alive during his whole Reign, and did not dye 'till after the Accession of King HENRY VIII. *

AS K. HENRY the 8th's Grandmother was alive, when he came to the Crown, and as he succeeded by Virtue of a Parliamentary Entail; so he trusted but little to any Hereditary Right. As appears plainly from the several Acts of Parliament he procured for Settling the Succession. By the Act of the 25th of his Reign, † the Lady MARY was Bastardized, and the Crown, for Default of Heirs Male of his Body, lawfully begotten on Q. ANNE BULLEN, was Limited to the Lady ELIZADREN, HENRY, JOHN BEAUFORD (afterwards D. of *Somerset*) THOMAS and JOAN, and in the 20th Year of K. RICHARD II. he, by Act of Parliament, makes them Legitimate, COKE's 4 *Inst.* 36, 37. K. HENRY VII. was Son to EDW. HADDAM, Earl of *Richmond*, and MARGARET his Wife, Daughter and Heir of the abovementioned JOHN BEAUFORD, Duke of *Somerset*.

* Lord HERB. *Hist. of H. VIII. Compl. Hist. of Engl. vol. 2, p. 4.* † 25 H. VIII. cap. 22. An Act concerning the Kings Succession.

BETH, and her Heirs. And after this there is another Statute of the 28th of K. H. VIII. * repealing the former Act, and declaring the Lady MARY and Lady ELIZABETH to be both Illegitimate, and settling the Crown upon himself, and the Heirs of his Body by Q. JANE; and for Want of such Heirs, with Power to Dispose of the Crown, by his Letters Patents, or his last Will, to what Person or Persons, and for such Estate in the same, and under such Conditions, as should please his Majesty. And lastly, another Act passed in the 35th Year of his Reign, † altering the Succession again, and settling the Crown, first on his Son, Prince EDWARD and his Heirs; then on the Lady MARY and her Heirs; afterwards on the Lady ELIZABETH and her Heirs; and the Remainder over to such Persons as the King should appoint, by his Letters Patents, or his last Will

* 28 H. VIII. c. 7. An Act concerning the Succession of the Crown. † 35 H. VIII. c. 1, An Act for Establishment of the Kings Succession.

as before. By Force of this A & K. EDWARD VI. succeeded, and after him Q. MARY, and Q. ELIZABETH; both of which, being under a Sentence of Bastardy, could pretend to no Right, but what was given by this Statute of the 3rd of K. HENRY VIII. * From hence it is evident, that in the Reigns of K. HEN. VIII. and Q. ELIZABETH, these Parliamentary Settlements of the Crown were held, and esteemed Good and Effectual to those that Claimed under them, against all Pretenders to the Contrary. And this, according to the Opinions of the greatest Men, and most learned Lawyers, who lived in those Days. We have it from the Lord HERBERT's History of K. HENRY VIII. † that Sir THO. MORE, who was Lord Chancellor in that Reign, and RICHARD RICH, then Solicitor General, and afterwards Lord RICH, in their Debate about the Supremacy, both agreed it to be the known Law of England, and laid it down as a first Prin-

* 35 H. VIII. cap. 1.

† Page 241.

ciple,

ciple, that the Parliament could Alter and Limit the Succession of the Crown. And some great Lawyers, in a Parliament of Q. ELIZABETH, * declared the same Thing. Mr. YELVERTON, afterward Speaker and a Judge, said, that to Assert that the Parliament had no Power to Determine of the Crown was High Treason. And Mr. MOUNSON Affirmed, that it was horrible to say, that the Parliament had no Authority to Determine of the Crown. For then would ensue (says he) not only the Annihilating the Statute of the 35th of K. HENRY VIII. but the Statute made in the first Year of this Queen's Reign of Recognition should also be made Void. This, and much more to the same Effect, may be found in Sir SIMON D'EWE's Journal. †

AND by a Statute of the First of K. EDW. VI. || all Ufurpations of the Crown, against the Act of the 35th of HEN. VIII. are made High Treason. And when

* 13 ELIZ. 1571. † Page 164, 176. || Cap. 12, sect. 9.

the Duke of *Northumberland* (who had married his Son to the Lady JANE GRAY) had prevailed upon K. EDWARD VI. in his Sickness, to Nominate that Lady by Will for his Successor. The Judges, and others the King's Council, told him in expresse Terms, that such Designation would be of no Force against the Act of Settlement, * by which the Crown, in Case of K. EDWARD's Death without Issue, was Limited to his two Sisters, the Ladies MARY and ELIZABETH.

INDEED, the Author of the Book of the *Hereditary Right of the Crown of England Asserted* †, &c. published in the last Year of the Reign of Q. ANNE, is very positive, that Q. MARY and Q. ELIZABETH had no Occasion for this Act of Parliament, being both Legitimate Descendants of K. HENRY VIII. as he would make his Readers believe. Yet it's plain, that K. HENRY VIII. and his Lawyers and Divines, were of another Opi-

* BURNET's *Hist. of the Reform.* part. 2, fol. 223.

† Page 213, 214, 215, 216.

mon. And as to this Author's Arguments to prove their Legitimacy, this one plain Answer may be given, That they are all of them founded upon the Rules of the Canon Law. Which, unless Confirmed by Act of Parliament, is of no Force here, * especially when it stands (as in this Case) in direct Contradiction to the Laws of England. And as to Q. MARY it is plain, at her coming to the Crown, she could not be looked upon as Heir by Right of Blood, because, by the afore-mentioned Statute of the 2nd of HENRY VIII. his Marriage with Q. CATHERINE her Mother was declared Unlawful, and the Crown settled on the King, and the Heirs of his Body by Q. ANNE BULLEN, as I mentioned before. And besides all this, she was but Sister by the half Blood to K. EDWARD VI. and so could not Inherit as Heir to him. And tho, in the first Year of her Reign, the Parliament (tis true) took

* GLANV. l. 7, c. 15. COKE 2 Inst. 96, 97. Stat. of Merton. c. 9. 23 H. VIII. c. 38. 12 C. II. c. 33.
off

off her Illegitimacy, and repealed so much of the Acts of the 2^{5th} and 28th of K. HENRY VIII. as declared her Illegitimate ; * yet in this the Parliament seems rather to provide for the Honour of her Descent, than to declare her Succession to be Inheritance by Right of Blood. Because this Statute of the 3^{5th} of K. HENRY VIII. whereby the Crown was settled upon Prince EDWARD, and the Heirs of his Body ; and the Remainder upon the Ladies MARY and ELIZABETH, and whereby the King had also Power given him to Dispose of the Crown, by Letters Patents, or by Will, was not at all repealed, but still remains in our Statute Book. And after the Death of Q. MARY, it was agreed by both Houses of Parliament, that Q. ELIZABETH should be proclaimed ac-

* *Raft.* 4, 1 M. I. *sess.* 2, *cap.* 1, An Act declaring the Queen's Highness to have been born in a most just and lawful Matrimony, and also Repealing all Acts of Parliament, and Sentence of Divorce, made or had to the contrary.

D

cording

according to the Act of Settlement, of the 3rd of K. HENRY VIII.

AND in the Act of Recognition of her Right, 1^{mo} ELIZABETHÆ, * the same Act of Settlement is referred to, and declared to be, and remain the Law of this Realm for ever. And it is evident, that this Glorious Queen thought her Right to the Crown to be so well established, by these Acts of Parliament, that, as it is very well observed by Dr. WELWOOD in his *Memoirs* †, she scorned to repeal, even the Act which declared her Mother's Marriage to be unlawful, and herself to be Illegitimate, and incapable to succeed. But still the Title of Q. ELIZABETH being scrupled by the *Romish* Party, produced and occasioned the Statute of the 13th of her Reign ‖. Whereby it was made no less than High Treason, during the Queen's Life, and Loss of Goods and Chattels, afterwards to Affirm and Maintain, that the Queen

* 1 ELIZ. c. 3. sect. 1. † WELWOOD's *Memoirs*, p. 5. ‖ 13 ELIZ. c. 1.

to, and with the Authority of Parliament, was not able to make Laws and Statutes of sufficient Force and Validity to Bind, Limit, Restrain, and Govern all Persons, their Rights, and Titles, that in any wise may, or might Claim any Interest or Possibility in, or to the Crown of *England*, in Possession, Remainder, Inheritance, Succession, or otherwise howsoever.

THOSE that are truly Loyal to our present most Gracious Sovereign, have Reason to recognize, with high Satisfaction, that such a Power of Altering and Limiting the Descent of the Crown, is duly lodged in the King and Parliament. For under the Authority of an Act of Parliament, we derive to our-selves the Happiness of his Government.

It is owned, that the Monarchy of *England* is Hereditary, and not Elective. But neither our Monarchy, nor any other Monarchy upon Earth, is Hereditary in such a Sense, that it must necessarily descend by Right of

Birth, without Distinction to those who are Incapable, as well as to those who are Capable of it. If in a Hereditary Monarchy the next Heir should happen to be an Idiot, does the Order of his Birth make it necessary, that he should be a King? No body will say that. And yet such a natural Incapacity does not unfit a Prince for Government, more than an Incapacity arising from Principle. He that professes Principles destructive of the End and Design of any Government, is more Dangerous to that Government, and therefore more unfit and incapable of it, than if he was an Idiot. One could not Protect it, the other would destroy it. But no one is born to Destroy the Happiness, and to inflict Misery on any Part of Mankind. No Man is born under an Obligation to submit to any Power applied to such unnatural Purposes. But still the Monarchy of *England* is Hereditary; for our Laws and Customs have made it so. But then there is no Natural or Divine

But

Right of Succession to Crowns, different or abstracted from the Civil and Political Laws, and Constitutions of particular Kingdoms. The Hereditary Right is not unalterable, but subject to the Laws of each Country; and a Person may be an Heir to a Crown in one Country, that cannot be so in another: As for Instance, in *France* Females cannot Inherit; whereas in *England* they may. And MARIANA in his History tells us, that antiently in the Kingdom of *Arragon*, the Brother of the King was to Inherit before the Daughter. The People of *Great Britain* have not therefore a Right to Choose whom they please to be their King; but are obliged to accept of, and to submit to, as such, that Person whom the Legislative Power shall appoint, capable of Answering the End and Design of this Government. By this Rule they guided themselves at the Revolution,

* 1 W. and M. sess. 2, cap. 2, sect. 7. And whereas it hath been found by Experience, that it is Inconsistent with the Safety and Welfare of this *Protestant* Kingdom, to be governed by a *Popish* Prince,

volution, * and considered the Right of
 Primogeniture as far as it was consistent
 with the Safety of our Church and Na-
 tion. They Transferred their Allegiance
 from a *Popish* Prince, who was abso-
 lutely Incapable by Principle, of Conti-
 nuing in the Exercise of this Govern-
 Prince, or by any King or Queen marrying a *Papist*.
 The Lords, Spiritual and Temporal, and Com-
 mons, do further Pray, that it may be enacted, and
 it was thereby enacted, That all and every Person,
 or Persons, that is, are, or shall be Reconciled to,
 or shall hold Communion with the See, or Church
 of *Rome*, or shall profess the *Popish* Religion, or
 shall marry a *Papist*, shall be excluded, and be
 for ever incapable to Inherit, Possess, or Enjoy
 the Crown and Government of this Realm, and *Ire-*
land, and the Dominions thereunto belonging, or any
 Part of the same; or to have, use, or exercise any
 Regal Power, Authority, or Jurisdiction within the
 same. And in all and every such Case, or Cases, the
 People of these Realms shall be, and are thereby ab-
 solved of their Allegiance. And the said Crown
 and Government shall, from Time to Time, descend
 to, and be enjoyed by such Person, or Persons,
 being *Protestants*, as should have inherited and en-
 joyed the same; in Case the said Person, or Per-
 sons, so reconciled, holding Communion, or Pro-
 fessing, or Marrying, as aforesaid, were natural-
 ly dead.

ment,

ment, to the next Protestant in the Hereditary Line capable of it. By this Rule the Government is at present happily Established, upon our present most Gracious Sovereign *. And by this Rule I hope it will descend to his Royal Progeny, and that *Papery* will never come nearer to the *British* Throne, than the Acts of Settlement do allow of.

You are therefore to be very careful in Presenting all that shall by Writing, Printing, or Speaking, deny his present Majesty's Title to the Crown. Or Maintain, that the Pretender hath any Right to the same. Or that the

* By an Act of the 12th of W. III. cap. 2. The Princess SOPHIA, Electress and Dutchess Dowager of *Hanover*, is declared next in Succession, after his Majesty (K. WILLIAM) and the Princess ANNE, and their respective Issue. And that then the Crown, &c. shall remain to the said Princess SOPHIA, and the Heirs of her Body, being *Protestants*. And there is a Proviso, that all Persons who may inherit the Crown, by Virtue of this Act, and are reconciled to the Church of *Rome*, or shall marry a *Papist*, shall be subject to the Incapacities of the said Act of 1 W. and M.

King

King and Parliament are not invested with sufficient Power to Bind or Alter the Succession of the Crown, that these Offenders may be brought to condign Punishment, and be Convicted, either of High Treason, or Premunires, as this Excellent Statute of the 6th of Q. ANNE directs.

AFTER High Treason, you are to Enquire of Misprision of Treason, of Petty Treason, of Burglary, and of all Sorts of Felonies, either at Common Law, or by any particular Statutes. The Felonies by Statute are very numerous, and I have given an Account of most of them in my Charge, at this Quarter-Sessions, in *July* last, in which, and in my three other Charges, printed by Order of Court, and at the Request of the several Grand Juries, you will also find an Account of the various Sorts of Crimes and Offences committed against the Lives, Habitations, Properties, and Welfare of Mankind, and of the highest and lowest Offences, and therefore, instead of

Trou-

Troubling you with a Repetition of the same Things, I have ordered Printed Copies of all those Charges, to be given to every one of you for your Use, on this present or any future Service of this Nature. I shall therefore only take Notice of a very few Offences, some of which were made Felonies by Acts of the last Session of Parliament. By an Act of the 12th of the late K. GEORGE, for the Building a Bridge cross the River of *Thames* from *Fulham* to *Putney*, wilfully and maliciously Burning, Blowing up, Pulling down, or Destroying the said Bridge, or any Part thereof, or Attempting so to do, is made Felony without Benefit of Clergy.

AND by an Act of the last Session for Relief of Insolvent Debtors, any Person forswearing himself, in any Particular, in Order to have the Benefit of the said Act, is to suffer Death as a Felon. And by another Act of the last Session, Forgery is also made

E Felony

Felony * without Benefit of Clergy ; as it is by the same Act, to steal Bonds, Notes, and other Securities, for the Payment of Money. And likewise by the same Act, any Person convicted for Perjury, or Subornation of Perjury, besides the Punishment by Law before to be Inflicted for those Crimes, is to be Sent to the House of Correction to hard Labour, for a Time not exceeding seven Years ; or else to be Transported for a Time not exceeding seven Years, as the Court shall think proper. And if any Person so committed to the House of Correction, or Transported, shall voluntarily Escape, or Break Prison, or Return from Transportation, before the Time for which he shall be ordered to be transported, such Offender shall suffer Death as a Felon, and may be tried for such

* An Act for the more effectual Preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury ; and to make it Felony to steal Bonds, Notes, and other Securities for the Payment of Money.

Felony,

Felony, either in the County where he so escaped, or where he shall be apprehended.

AND for the more effectual Suppressing of Gaming Houses, and Enabling the Justices of the Peace to punish the Gamesters, our Legislature hath now thought fit, by a Clause in an Act passed the last Session, to revive certain Laws, &c. to Impower the Justices of the Peace, upon the Oaths of two Witnesses, to bind, with sufficient Sureties, any Person found Playing in a common Gaming House, to play no more so long as he lives. Whereas it was held before, * that no Person could be bound with Sureties, according to the Statute of the 33^d of HENRY VIII. † unless he was so found playing upon the personal View of the Justices.

THERE is one Thing more, that I must particularly Recommend to your Care, before I dismiss you. And that

* *Rex versus la Serre & Parmentier Hill*, 7 GEO. I. 1720. † *Cap. 9.*

is to present the Authors, Printers and Publishers of all seditious Libels, either against his Majesty's Sacred Person, his Illustrious Family, or his Administration. It should incite your Zeal against these Offenders, if you consider how mild and gracious a Sovereign now Reigns over us. And I dare answer for it, that every Day his Majesty lives, we shall have more and more Reason to bless Almighty GOD for Bringing him to the Throne, and to pray that he may long sit thereon, and be succeeded (in his good Time) by a Race of Virtuous and Religious *Protestant* Princes ; that so all the invaluable Blessings of the present Reign, may be transmitted down to latest Posterity.



